

# JAMES IRRIGATION DISTRICT

## BOARD OF DIRECTORS - REGULAR MEETING

### MINUTES October 12, 2021

#### ATTENDANCE

##### DIRECTORS PRESENT

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

##### EXCUSED

None

##### ABSENT

None

##### STAFF PRESENT

Manny Amorelli, General Manager  
Walter Flores, Office Manager  
Donna Hanneman, Executive Assistant  
Kenneth Mancini, Superintendent  
(Arr.10:41 a.m.)

##### LANDOWNERS / GROWERS

None

##### PUBLIC / CONSULTANTS

- PROVOST & PRITCHARD CONSULTING GROUP, INC.  
Eric Abrahamsen, PE.
  - WATER WISE  
Sarah Woolf
  - EASYREADER INTERNATIONAL  
Euan Slidders
  - McMULLIN AREA GROUNDWATER SUSTAINABILITY AGENCY  
Matt Hurley, General Manager (Zoom)
  - WESTWATER RESEARCH  
Audrey Arnao (Zoom)
- ##### LEGAL COUNSEL
- YOUNG WOOLDRIDGE, LLP  
Alan F. Doud, Esq. (Zoom)
  - BARTKIEWICZ KRONICK & SHANAHAN / CLOSED SESSION  
Ryan S. Bezerra, Esq. (Zoom: 11:09-11:30 a.m.)

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#### I. CALL TO ORDER

A Regular Meeting of the Board of Directors of JAMES IRRIGATION DISTRICT ("District") was held Tuesday, October 12, 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 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

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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.

## II. RESOLUTION 2021-04 INITIALLY AUTHORIZING REMOTE TELECONFERENCE MEETINGS UNDER AB361

As the meeting was open to the public and all members of the Board of Directors were physically present, the meeting was not conducted by teleconference. On that basis, General Counsel, Alan Doud indicated adoption of this Resolution was not necessary.

## III. OTHER BUSINESS / PUBLIC COMMENTS

### A. PUBLIC COMMENTS

None.

### B. MOMENT OF SILENCE

A moment of silence was observed to honor the passing of MARCELLA RABB MILLER (03/22/1920-10/06/2021), landowner, resident and former business owner (Miller's Welding) at 101+ years of age.

### C. ADDITIONS / CORRECTIONS TO THE AGENDA

There were no corrections/additions to the Agenda.

### D. 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 declared he had a conflict-of-interest in association with Closed Session Agenda Item XIV.B.4., Fresno County APN #030-370-32s, and stated he would be recusing himself from discussing and/or initiating any action as the subject property is owned by his father's trust.

## IV. HEARING: PROPOSITION 218-PROPOSED INCREASE IN THE DISTRICT'S ASSESSMENT

- ▶ Mr. Amorelli noted Public Outreach meetings were held September 15<sup>th</sup> and October 22<sup>nd</sup>. Public attendance was good and the exchange of information was well received.
- ▶ President Riley Chaney opened the hearing at 10:07 a.m. The proceedings were recorded. (Transcript: Att. 1)

## V. CLOSE HEARING

The Hearing was closed and Eric Abrahamsen, PE, Provost & Pritchard Consulting Group, Inc., was designated to open the ballots and tabulate the results with the assistance of Veronica Mejia, Clerk. Office Manager, Walter Flores, returned from the U.S. Post Office with one ballot which was placed in the ballot box for counting.

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## VI. MINUTES

### A. REGULAR MEETING: SEPTEMBER 14, 2021

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

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

## VII. TREASURER'S REPORT

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

### A. FINANCIAL REPORTS

1. Interim Warrants: September 15-October 12, 2021 (Att.2)

2. Accounts Payable (Att.3)

Interim Warrants (bills paid) with supporting invoices and Accounts Payable invoices (unpaid bills) were presented for review/approval. M/S/C (M.COMBS/R.MOTTE), to RATIFY/APPROVE Interim Warrants totaling \$339,504.68 and AUTHORIZE/APPROVE payment of Accounts Payable totaling \$440,444.98 by the following vote:

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

3. Payroll Certification: Pay Periods Ending September, 2021 (Att.4)

A listing of payroll checks totaling \$73,986.88 (net) issued to employees and Board members for pay periods ending September, 2021, was reviewed and certified by the President, General Manager and Office Manager.

4. Income Statements (Budget-to-Actual): Period Ending September 30, 2021

It was noted power costs are exceeding the budget forecast. The Board is wanting to be cautious for next year's planning.

5. Quarterly Report of Financial Investments: September 30, 2021 Gov. Code §53646

6. Cash Position Report: September 30, 2021

7. Schedule of Long-Term Debt/Notes Payable: September 30, 2021

8. Accounts Receivable Activity Report: September 30, 2021

### B. FISCAL AUDIT: MARCH 1, 2019-FEBRUARY 29, 2020

M/S/C (J.HUGHES / M.COMBS), to APPROVE AUDITED FINANCIAL STATEMENTS & OTHER FINANCIAL INFORMATION FISCAL YEAR ENDING FEBRUARY 29, 2020, as presented by Vicki Hokokian, CPA, Wilcox Hokokian Bains & Dill, LLP, on September 14, 2021.

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

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## VIII. GENERAL MANAGER'S REPORT

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

### OPERATIONS

- ▶ Water Deliveries: September, 2021 - Water deliveries for the month of September were 5,006 acre-feet which is 1,115 acre-feet more than was delivered during September, 2020. The fiscal year-to-date total deliveries are at 45,920 acre-feet which is 1,759 acre-feet more than was delivered at this time during the last fiscal year.
- ▶ Weekly TDS Readings: October 4, 2021
- ▶ U.S.B.R. / Central Valley Project
  - Mendota Pool
    - Water Hyacinth - Working with the Bureau, San Luis & Delta-Mendota Water Authority to coordinate efforts to control proliferation of water hyacinth in the Mendota Pool. The District will be cost sharing with various agencies to treat in the James Bypass from James Road through the Mendota Wildlife Refuge.

### PROJECTS

- ▶ Solar Project: White Pine Renewables - Locations for the 4kW and 1kW installations at K Basin have been surveyed. Quotes to perform CEQA studies are pending. Solar module procurement is underway. Filed updates to the interconnection plans splitting into two projects. Construction is anticipated to begin in November.

### ADMINISTRATIVE ITEMS

- ▶ Efficiency Meeting held with consultants and the efficiency discussion group. Discussed improved Zoom meeting functions. Heavy equipment needs were also discussed.
- ▶ Arthur & Orum Well Drilling - It was noted that Steve Arthur of Arthur & Orum Well Drilling passed away last week. The family continues to operate the business.

## IX. SUPERINTENDENT'S REPORT

Mr. Amorelli noted typical annual maintenance activities are proceeding.

## X. DIRECTORS' REPORTS

None were presented.

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## XI. ACTION ITEMS

### A. WATER ACCOUNTING SOFTWARE

Euan Slidders, President of EasyReader International, attended the meeting to address the District's need to project grower allocations. He noted an allocation module is included in the District's current version of their H2oPro software and reviewed the manner in which allocations are calculated. The Board emphasized that District wells produce a finite amount of water and allocations must be monitored as simultaneously as possible. It was emphasized that the District needs to be able to monitor allocations at the very least on a daily basis. Mr. Slidders responded H2OPro currently calculates on longer blocks of time. He suggested the District create examples based on existing JID data, creating a worst-case scenario, and test the module. Once allocations are ascertained, growers will be advised of the manner by which they are calculated and the amounts.

### B. HEAVY EQUIPMENT PURCHASES (06/10/2021)

Reviewed purchase prices (new & used), rental rates for various pieces of heavy equipment: backhoe, wheeled excavator, forklift.

- ▶ Backhoe - M/S/C (J.HUGHES / R.BARCELLOS), to APPROVE THE PURCHASE OF A NEW CASE TRACTOR LOADER BACKHOE 590SN IN THE AMOUNT OF \$142,659.53 FROM SEQUOIA EQUIPMENT CO., INC.:

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

- ▶ Wheeled Excavator - It was the consensus of the Board that District staff procure demonstrator unit(s) to be certain they will meet District needs before a decision is rendered.
- ▶ Welder - Current welder is quite old and is unsafe. Requested staff obtain a price quote for a new welder.

### C. DISTRICT AUTOMATION (07/14/2020)

Discussed automation of District conveyance facilities. Before a decision is made to move forward with Rubicon Water, the Board requested Dr. Charles Burt, Cal Poly, San Luis Obispo, be requested to attend a Special Meeting, if possible as he has previously worked with the District and is very familiar with our infrastructure and may have alternative suggestions to improve efficiency.

### D. WATER STORAGE (10/12/2021)

DEFERRED discussion exploring alternative water storage locations for upcoming year due to time constraints.

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E. TERMINATION OF 2021 DISTRICT DELIVERIES (10/12/2021)

Distributed memorandum. M/S/C (R.MOTTE/R.BARCELLOS), to TERMINATE DISTRICT IRRIGATION DELIVERIES ON NOVEMBER 24, 2021. Growers needing water after Thanksgiving, November 26<sup>th</sup>, will be requested to submit their written request to the Board of Directors no later than November 8<sup>th</sup> for Board review at the next Regular Meeting.

F. OFFICE CLOSURE: 2021 (10/12/2021)

- ▶ The Employee Handbook states, "*The dates for the Christmas holiday (4 days) will be provided to all employees.*" Accordingly, December 23-24 and December 30-31 were designated as vacation days to allow staff to observe the Christmas-New Year's holidays.
- ▶ M/S/C (J.HUGHES / R.MOTTE), to APPROVE CLOSURE OF OFFICE FROM DECEMBER 23, 2021, TO JANUARY 3, 2022, TO OBSERVE CHRISTMAS-NEW YEAR'S HOLIDAYS. Employees will supplement the designated 4 days of Holiday Leave with 3 days of other available leave. Also, winter office hours will be 8:00-4:30 p.m. from November 29-December 22, 2021. The office will re-open at 8:00 a.m. on Tuesday, January 4, 2022.

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

G. ACWA FALL CONFERENCE & EXHIBITION, NOVEMBER 30-DECEMBER 3, 2021, PASADENA, CA (10/12/2021)

Pamphlets were distributed. The Board encouraged Mr. Amorelli to attend.

## XII. PROPOSITION 218-PROPOSED INCREASE IN THE DISTRICT'S ASSESSMENT

A. RECEIVE RESULTS OF TABULATION

After tabulating all of the ballots received, Eric Abrahamsen, announced the weighted votes in favor of the proposed increase in the special benefit assessment outweighed the weighted ballots in opposition, with the results being as follows:

Total Ballots Mailed to Potential Voters:	156
Total Ballots Returned	84
Total Ballots Rejected	2
Maximum Number of Potential Votes:	1,921,988.42
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Actual Number of Votes Received:	1,206,074.04
Number of Votes Rejected:	<u>4,740.00</u>
	1,201,133.04
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Number of Votes Cast <u>in Favor</u> of the Increase:	940,227.98
Number of Votes Cast <u>Against</u> the Increase:	<u>261,106.06</u>
	1,201,133.04

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B. RESOLUTION 2021-05 RATIFYING RESULTS OF PROPOSITION 218 BALLOT PROCEEDING (Att.5)

M/S/C (J.HUGHES / R.BARCELLOS), to ADOPT RESOLUTION 2021-05 as follows:

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

**ADJOURNED TO CLOSED SESSION AT 11:36 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

Legal Counsel

Bartkiewicz Kronick & Shanahan

Ryan S. Bezerra, Esq. (Zoom: 11:09-11:30 a.m.)

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

4 CASES

**XIV. 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 BERNARDT, 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. CENTER FOR BIOLOGICAL DIVERSITY, RESTORE THE DELTA AND PLANNING & CONSERVATION  
LEAGUE V UNITED STATES BUREAU OF RECLAMATION ETAL (06/08/2021)

United States District Court, Eastern District of California

Case No. 1:20-CV-00706 DAD-E.G.

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B. AS PLAINTIFF: 4 CASES

COUNSEL ALAN DOUD CITED A CONFLICT-OF-INTEREST AND WAS NOT PRESENT DURING DISCUSSION OF ITEMS 1 & 2, BELOW.

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

ALTHOUGH EARLIER DECLARING A POTENTIAL CONFLICT-OF-INTEREST, DIRECTOR ROBERT MOTTE REMAINED PRESENT AS THE FOLLOWING MATTER WAS NOT DISCUSSED.

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

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

## XV. 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. WATER BANKING & TRANSFERS (04/19/2018)

Negotiating Parties: James Irrigation District: General Manager/Designee  
Various CVP Contractors: General Manager(s)/Designee(s)

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



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**RECONVENED IN OPEN SESSION AT 12:42 P.M.**

## **XVI. REPORT ON ACTIONS TAKEN DURING CLOSED SESSION**

No reportable actions were taken during the Closed Session.

## **XVII. ADJOURN**

There being no further business to come before the Board, **M/S/C (J.HUGHES / R.BARCELLOS)**, to ADJOURN the meeting at 12:43 p.m., until the next Special Meeting scheduled for Tuesday, October 26, 2021, by the following vote:

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

**RECORDED BY:**

**APPROVED BY:**

\_\_\_\_\_  
Donna Y. Hanneman, Executive Assistant

\_\_\_\_\_  
Riley Chaney, President

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Manny Amorelli, General Manager

## **ATTACHMENTS:**

1. Transcript: Hearings on Proposed Special Benefit Assessment Increase, October 12, 2021
2. Interim Warrants: September 15-October 12, 2021, \$339,504.68
3. Accounts Payable: \$440,444.98
4. Payroll Certification: Pay Periods Ending September, 2021, \$73,986.88 (net)
5. Resolution 2021-05 Ratifying Results of Proposition 218 Ballot Proceeding, Adopted October 12, 2021