

JAMES IRRIGATION DISTRICT

BOARD OF DIRECTORS - REGULAR MEETING

MINUTES March 8, 2022

ATTENDANCE

DIRECTORS PRESENT

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

EXCUSED

Robert Barcellos, Assessor-Collector

ABSENT

None

STAFF PRESENT

Manny Amorelli, General Manager
Walter Flores, Office Manager
Kenneth Mancini, Superintendent (Arr.10:17 a.m.)
Donna Hanneman, Executive Assistant

LANDOWNERS / GROWERS

Sal Parra, Jr., Burford Farming (Zoom)

PUBLIC / CONSULTANTS

None

- WATER WISE

Sarah Woolf (Zoom)

- McMULLIN AREA GROUNDWATER SUSTAINABILITY AGENCY

Matt Hurley, General Manager (Zoom)
Matt Abercrombie (Zoom)

LEGAL COUNSEL

- YOUNG WOOLDRIDGE, LLP

Alan F. Doud, Esq. (Zoom)

- FOLEY & LARDNER, LLP / CLOSED SESSION

David T. Ralston, Jr., Esq. (Zoom)

I. CALL TO ORDER

A Regular Meeting of the Board of Directors of JAMES IRRIGATION DISTRICT ("District") was held Tuesday, March 8, 2022, 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.

II. RESOLUTION RENEWING USE OF REMOTE TELECONFERENCE MEETINGS UNDER AB361

The Board considered renewing findings made in Resolution 2022-02 adopted February 8, 2022, to continue enabling remote teleconference and/or internet meetings under the Ralph M. Brown Act

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so long as a state of emergency continues to exist from COVID-19. M/S/C (M.COMBS / J.HUGHES), to APPROVE RESOLUTION 2022-04 RENEWING USE OF REMOTE TELECONFERENCE MEETINGS UNDER AB361. (Att.1)

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

EXCUSED: 1 (R.Barcellos)

III. OTHER BUSINESS / PUBLIC COMMENTS

A. PUBLIC COMMENTS

None were presented.

B. MOMENT OF SILENCE

A moment of silence was observed to honor the passing of MARY MILLER (01/09/2021-01/31/2022) long-time resident, landowner/grower who passed away 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.

IV. MINUTES

A. REGULAR MEETING: FEBRUARY 8, 2022

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

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

EXCUSED: 1 (R.Barcellos)

V. TREASURER'S REPORT

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

A. FINANCIAL REPORTS

1. Interim Warrants: February 9-March 8, 2022 (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 (J.HUGHES / R.MOTTE), to RATIFY/APPROVE Interim Warrants totaling \$411,468.62 and AUTHORIZE/APPROVE payment of Accounts Payable totaling \$76,584.47 by the following vote:

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

EXCUSED: 1 (R.Barcellos)

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3. Payroll Certification: Pay Periods Ending February, 2022 (Att.4)
A listing of payroll checks totaling \$65,734.80 (net) issued to employees and Board members for pay periods ending February, 2022, was reviewed and certified by the President, General Manager and Office Manager.
4. Income Statements (Budget-to-Actual): Period Ending February 28, 2022
Expenses for chemicals, fuel and power continue to exceed budget forecasts.
5. Cash Position Report: February 28, 2022
6. Accounts Receivable Activity Report: February 28, 2022

VI. GENERAL MANAGER'S REPORT

Mr. Amorelli presented his verbal report encompassing operations, maintenance, projects and other District matters for the month of February, 2022, as follows:

OPERATIONS

- ▶ Water Deliveries: February, 2022 - Water deliveries for the month of February were 4,098 acre-feet which is 1,659 acre-feet more than was delivered during February, 2021. The fiscal year-to-date total deliveries are at 55,372 acre-feet which is 523 acre-feet more than was delivered at this time during the last fiscal year.
- ▶ U.S.B.R. / Central Valley Project
 - Allocations to South-of-Delta agricultural contractors have been set at zero.
 - Mendota Pool - Daily Water Quality report for the Delta-Mendota Canal Check#21 through February 28, 2022, was reviewed.
- ▶ Kings River Water Association
 - KRWA Storage Operations in Pine Flat Reservoir as of March 6, 2022, totaled 2,263 CFS-days, or approximately 4,488 acre-feet in the District's 20,000 acre-feet share of storage space in Pine Flat Reservoir. Due to the ongoing drought and Kings River operations, the District has not been able to take any Kings River water to date.
 - As of February 12, 2022, snowpack in the Kings River watershed was at 56% of average.

MAINTENANCE

- ▶ Well Drillers were contacted as instructed last meeting. Bradley & Sons has put two wells on their schedule for drilling within the next 6-9 months. Strickland Drilling has not responded.
- ▶ Well Repairs - WellJet hydrojetted Well D-60 on February 21st.

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PROJECTS

- ▶ Main Canal Feasibility Study is under way. Provost & Pritchard staff have surveyed the Main Canal and will meet with District staff before presenting their report in April/May.

AGENCIES

- ▶ Kings Basin Coordinating Committee met and discussed the California Department of Water Resources critique of the Kings Subbasin Groundwater Sustainability Plan. Member GSAs are working cooperatively to address deficiencies.
- ▶ Fresno Irrigation District (FID) and James ID recently held an operations meeting during which collaborative opportunities were explored. Directors Chaney and Barcellos also attended. Future meetings will be scheduled.

ACTIVITIES

- ▶ Sustainable Groundwater Management Act (SGMA)
 - The California Department of Water Resources (DWR) will be conducting “airborne electromagnetic geophysical surveys” via low-level helicopter flights over groundwater basins within the Kings, Tulare, Fresno, Madera, Merced, and Stanislaus counties over a 4-week period starting in March, 2022.
 - Mr. Hurley indicated he had spoken with DWR staff and stated the State is doing this without permission of landowners nor is there a mechanism for landowners to opt-out. He expressed concern that the information becomes public without landowner examination/input.
 - Conversely, Ms. Woolf indicated the same technology was utilized in the Huron area for siting recharge facilities and was found to be helpful. The technology will be used statewide and it remains to be seen how can it best be utilized.
- ▶ Mendota Pool Group (MPG) met February 14th to continue discussion on water quality issues.

ADMINISTRATIVE ITEMS

- ▶ David Ralston, Esq., Foley & Lardner, will be retiring at the end of the year and will be discussing the City of Fresno, et al v. United States of America case in Closed Session.
- ▶ Procedures for a Majority Protest Hearing on a Proposed Increase in the District’s Water Rate was discussed by Counsel Alan Doud. District staff can generate and process ballots with legal assistance. An engineer’s report will not required. There is a specific time line that must be followed once the process has been initiated and should take three months depending on the number of outreach meetings conducted. Active discussion followed. President Chaney requested this matter be scheduled for discussion on the April, 2022, Agenda.
- ▶ Case Backhoe was purchased September, 2021, from Sequoia Equipment Co., Inc. Their representative is hopeful the unit will be delivered sometime in April.

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VII. SUPERINTENDENT'S REPORT

Mr. Mancini reported the following:

- ▶ Maintenance is ongoing.
- ▶ Well repairs continue.
- ▶ Main Canal bridges are being inspected/repared.
- ▶ Application of pre-emergent herbicides have been completed.

VIII. DIRECTORS' REPORTS

None were presented.

IX. ACTION ITEMS

CITING A POTENTIAL CONFLICT-OF-INTEREST AND WITH THE CONCURRENCE OF COUNSEL, DIRECTOR MOTTE LEFT THE MEETING AT 10:42 A.M. PRIOR TO DISCUSSION OF THE FOLLOWING MATTERS AS HE LEASES GROUND FROM HEDMAN RANCHES, INC.

A. GRANT OF EASEMENT: HEDMAN RANCHES, INC., APN #030-381-10S PTN (03/08/2022)

M/S/C (J.HUGHES / M.COMBS), to:

1. AUTHORIZE THE PRESIDENT/VICE-PRESIDENT AND SECRETARY TO EXECUTE A GRANT OF EASEMENT FOR A DISTRICT WELLSITE ON FRESNO COUNTY APN #030-381-10S PTN (Att.5); and
2. AUTHORIZE PAYMENT TOTALING \$1,000.00 TO HEDMAN RANCHES, INC., UPON THE SUCCESSFUL RECORDING OF SAID DOCUMENT. VOICE VOTE conducted as follows:

AYES: 3 (J.Hughes, M.Combs, J.Hughes)

ABSTAIN: 1 (R.Motte)

EXCUSED: 1 (R.Barcellos)

B. RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT OF EASEMENT FROM HEDMAN RANCHES, INC., TO JAMES IRRIGATION DISTRICT, FRESNO COUNTY APN 030-381-10S PTN (03/08/2022)

M/S/C (J.HUGHES / M.COMBS), to ADOPT RESOLUTION 2022-05 AUTHORIZING ACCEPTANCE OF A GRANT OF EASEMENT FROM HEDMAN RANCHES, INC., TO JAMES IRRIGATION DISTRICT, FRESNO COUNTY APN #030-38/1-10S PTN. (Att.6)

AYES: 3 (J.Hughes, M.Combs, J.Hughes)

ABSTAIN: 1 (R.Motte)

EXCUSED: 1 (R.Barcellos)

DIRECTOR MOTTE RETURNED TO THE MEETING AT 10:44 A.M. AT WHICH TIME HE WAS ADVISED OF THE ACTIONS TAKEN.

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C. ANNUAL MEETING (01/11/2022)

M/S/C (J.HUGHES / M.COMBS), to set Thursday, March 31, 2022, as the date for the 2022 Annual Meeting to be held at the District Office, lunch at noon, meeting at 1:00 p.m. Meeting to be held remotely (Zoom) and in-person.

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

EXCUSED: 1 (R.Barcellos)

D. STRATEGIC PLANNING (02/08/2022)

Discussed setting June, 2022, date for initial offsite meeting for long-term planning, designating attendees, arrangements, etc. M/S/C (M.COMBS / J.HUGHES), to:

1. Set Thursday, June 16, 2022, 10:00 a.m., as the initial offsite Strategic Planning Meeting;
2. Include: James Irrigation District, Reclamation District No. 1606 board members, key District staff, Provost & Pritchard Consulting.

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

EXCUSED: 1 (R.Barcellos)

E. DISTRICT EQUIPMENT: PICKUP TRUCKS/HEAVY EQUIPMENT (02/08/2022)

As requested last meeting, Mr. Amorelli reported the price of a used, wheeled excavator with approximately 1900 hours is \$288,854 and a new united is \$357,664 (through the end of 2022). No action taken.

X. REPORT ITEMS

None

ADJOURNED TO CLOSED SESSION AT 10:51 A.M.

Directors Attending:

Riley Chaney, President

Jeremy Hughes, Vice-President

Robert Motte, Secretary-Treasurer

Micah Combs, Director

Staff Attending

Manny Amorelli, General Manager

Legal Counsel

- Young Wooldridge, LLP
Alan F. Doud, Esq. (Zoom)

- Foley & Lardner, LLP
David T. Ralston, Esq. (Zoom)

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

3 CASES

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

A. AS DEFENDANT: 2 CASES

1. NATURAL RESOURCES DEFENSE COUNCIL, ET AL, V HAALAND, ET AL
U.S. District Court for the Eastern District of California
Case No. 1:5-CV-01207LJO-GSA
2. CENTER FOR BIOLOGICAL DIVERSITY, RESTORE THE DELTA AND PLANNING & CONSERVATION LEAGUE V UNITED STATES BUREAU OF RECLAMATION ET AL (06/08/2021)
United States District Court, Eastern District of California
Case No. 1:20-CV-00706 DAD-EPG

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

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

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B. SOUTHWEST GROUNDWATER RECHARGE PROJECT (11/13/2012)

Negotiating Parties: James Irrigation District: General Manager/Designee
Fresno Irrigation District: Bill Stretch

Under Negotiation: Price, terms and conditions of possible real property and/or water supply transactions/Department of Water Resources Proposition 84 Grant Application

C. WATER BANKING & TRANSFERS (06/22/2021)

Negotiating Parties: James Irrigation District: General Manager/Designee
McMullin Groundwater Sustainability Agency

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

D. FRESNO COUNTY APN #030-381-10S, SAN JOAQUIN, CA

Negotiating Parties: James Irrigation District: General Manager/Designee
Landowner: Hedman Ranches, Inc.

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

RECONVENED IN OPEN SESSION AT 11:56 A.M.

XIV. REPORT ON ACTIONS TAKEN DURING CLOSED SESSION

No reportable actions were taken during the Closed Session.

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XV. ADJOURN

There being no further business to come before the Board, M/S/C (M.COMBS / R.MOTTE), to ADJOURN the meeting at 11:58 a.m., until the next Regular Meeting scheduled for Tuesday, April 12, 2022, by the following vote:

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

EXCUSED: 1 (R.Barcellos)

RECORDED BY:

APPROVED BY:

Donna Y. Hanneman, Executive Assistant

Riley Chaney, President

Manny Amorelli, General Manager

ATTACHMENTS:

1. Resolution 2022-04 Renewing Use of Remote Teleconference Meetings Under AB361, Adopted March 8, 2022
2. Interim Warrants: February 9-March 8, 2022, \$411,468.62
3. Accounts Payable: \$76,584.47
4. Payroll Certification: Pay Periods Ending February, 2022, \$65,734.80 (net)
5. Grant of Easement: Hedman Ranches, Inc., APN 030-381-10s ptn (draft)
6. Resolution 2022-05 Authorizing Acceptance of a Grant of Easement from Hedman Ranches, Inc., to James Irrigation District, Fresno County Assessor's Parcel No. 030-381-10S PTN, Adopted March 8, 2022