ALTA IRRIGATION DISTRICT

289 North L Street, Dinuba, CA (559) 591-0800

MINUTES

Per Executive Order N-29-20, which allows local and state legislative bodies to hold meetings via teleconference and to make meetings accessible electronically, this Regular Meeting of the Board of Directors of Alta Irrigation District was held via teleconference on Thursday, September 9, 2021, and was accessed as follows:

Teleconference Number (559) 823-8500

The public participated in the meeting as otherwise permitted under the Brown Act by calling the teleconference number above.

1. **CALL TO ORDER**

   1.1. Roll Call – The Regular Board Meeting for Alta Irrigation District was called to order at 9:33 a.m. by President Jack Brandt. Directors present were Daniel Astiasuain, Domenic Fino, Jerry Halford, John Kalender, Tom Marshall, and Larry Tout. Others present were General Manager Chad Wegley, Operations Manager Marc Limas, Engineer Jim Wegley, Attorneys Douglas B. Jensen and Lauren D. Layne. There were eight (8) members of the public present.

   1.2. Potential Conflict(s) of Interest – Director Kalender declared a conflict of interest on Item 10.1 and will leave the room for that item. Director Fino declared a financial conflict of interest on Item 10.6 and will leave the room for that item.

2. **PUBLIC COMMENT** – Willard Culver mentioned that he is against the District selling water to Fresno Irrigation District. Nick Huerta mentioned that he is against the District selling water to Fresno Irrigation District. Royce Rowell mentioned that he is against the District selling water to Fresno Irrigation District. Antonio Cabrera mentioned he was against the District selling water to Fresno Irrigation District. David Krause urged approval of Item 5.4 on the Consent Calendar. Frank Marshall mentioned he is against selling water to Fresno Irrigation District and urged the Board to allow the encroachment in Item 8.5.

3. **ADDITIONS TO OR DELETIONS FROM AGENDA** – None.

4. **COMMUNICATIONS** – None.

5. **CONSENT CALENDAR** – It was M/S/C unanimously via roll call vote on motion by Director Kalender, seconded by Director Tout, that consent calendar items be approved as presented.

5.1. Board Meeting Minutes for Regular Board Meeting August 12, 2021.

5.2. Collector's Report for August 2021. (Insert 5.2)

5.3. Approve Payment of the August 2021 Warrants. (Insert 5.3)

5.4. Smith Mountain Estates, LLC 10502001 (Smith Mountain Ditch). Approve one (1) District standard encroachment agreement on the Smith Mountain Ditch.

6. ADMINISTRATIVE/FINANCIAL

6.1. Treasurer's Report. As of August 31, 2021, the cash balance is $2,027,677.82. Accounts Receivable and Inventory total approximately $146,059. Current year revenue and expenses are approximately $2,137,667 and $2,872,915 respectively, resulting in a net deficit cash flow of about -$733,284(Insert 6.1). It was M/S/C unanimously via roll call vote on motion by Director Tout, seconded by Director Astiasuain to accept the August 31, 2021, Treasurer's Report.

6.2. Unifirst Uniform Contract. It was M/S/C unanimously via roll call vote on motion by Director Kalender, seconded by Director Marshall to approve Unifirst uniform contract through cooperative purchasing contract from Sourcewell. (Insert 6.2)

7. WATER MANAGEMENT – Review and take action as appropriate.

7.1. Water Run Update. General Manager Wegley reviewed the water run report, it was added as an addendum to the minutes. (Insert 7.1)

8. NEW BUSINESS – Review and take action as appropriate.

8.1. Redistricting Request for Proposal. It was M/S/C unanimously via roll call vote on motion by Director Fino, seconded by Director Halford to approve the request for proposal with Flo Analytics.

8.2. Water Sale to Fresno Irrigation District. It was M/S/C on motion by Director Halford, seconded by Director Kalender to approve sale of one thousand (1,000) acre-feet of water to Fresno Irrigation District at a price, not less than, three hundred fifty dollars ($350.00) per acre foot. The proceeds from this sale are restricted and will be added to the surface water utilization fund. Vote was taken by roll call with results as follows: Director Halford, aye; Director Kalender, aye; President Brandt, aye; Vice President Marshall, aye; Director Astiasuain, no; Director Fino, no; and Director Tout, aye. The motion passed.

8.3. Association of California Water Agencies President Candidate Resolution. It was M/S/C unanimously via roll call vote on motion by Director Kalender, seconded by Director Astiasuain to approve Resolution R2021-0901 supporting Pamela Tobin for ACWA President. (Insert 8.3)

8.4. Association of California Water Agencies Vice President Candidate Resolution. It was M/S/C unanimously via roll call vote on motion by Director Kalender, seconded by Director Astiasuain to approve Resolution R2021-0902 supporting Cathy Green for ACWA Vice President. (Insert 8.4)

8.5. Marshall Family Trust Encroachment (10602101) East Branch Ditch. It was M/S/C

unanimously via roll call vote on motion by Director Halford, seconded by Director Astiasuain to rescind approval of one (1) District standard encroachment agreement on the East Branch Ditch.

8.6. Illegal Encroachments on Bowhay pipeline. It was the direction of the Board for the General Manager to send letters to landowners along the Bowhay pipeline with a copy of the original easement agreement, providing an explanation of the consequences if the District needs to repair or replace this pipeline.

9. OLD BUSINESS

9.1. Manager's Report. General Manager Wegley reviewed the manager's report and it was added as an addendum to the minutes. (Insert 9.1)

9.2. Attorney's Report. Attorney Layne reported on the revisions to the Brown Act from the Governor's Executive Order N-29-20 will expire on September 30, 2021.

10. ADJOURN TO CLOSED SESSION – President Brandt adjourned to closed session at 10:58 a.m. and conferred with counsel on items listed below. No discussions were held on Item 10.5. Director Kalender declared a conflict of interest on Item 10.1, left the room at 10:59 a.m., and returned at 11:05 a.m. for discussions on remaining items. Director Fino declared a financial conflict of interest on Item 10.6 and left the room at 11:35 a.m.

10.1. Conference with Legal Counsel Regarding Anticipated Litigation, Government Code §54956.9(d)(2). Board of Directors will confer with counsel for possible action on potential litigation arising out of unauthorized encroachment(s) into District canal. (2 cases)

10.2. Conference with Legal Counsel Regarding Existing Litigation, Government Code §54956.9(d)(1). Board of Directors will confer with counsel for possible action regarding *Jesse Alvarado v. Alta Irrigation District Case # ADJ9776072*.

10.3. Conference with Legal Counsel Regarding Existing Litigation, Government Code §54956.9(d)(1). Board of Directors will confer with counsel for possible action regarding *James Irrigation District v. Kings River Water Association (Fresno Co. Case #19CECG00769).*

10.4. Conference with Real Property Negotiators.
Property: Kings River Water
Agency Negotiator: Chad Wegley
Negotiating Parties: Fresno Irrigation District
Under Negotiation: Price and terms of payment

10.5. Conference with Legal Counsel Regarding Existing Litigation, Government Code §54956.9(d)(1). Board of Directors will meet in closed session to confer with counsel regarding *Kings River Water Association v. R.D. #761, et al*.

10.6. Conference with Legal Counsel Regarding Anticipated Litigation, Government Code §54956.9(d)(2). Board of Directors will confer with counsel for possible action on potential litigation arising out of claims by third parties to water rights on the Kings River. (2 cases)

11. **RECONVENE TO OPEN SESSION** – The Board reconvened into open session at 12:17 p.m. with no reportable action taken during closed session.

12. **ADJOURNMENT** – There being no further business, President Brandt adjourned the meeting at 12:17 p.m. until the next scheduled meeting on October 14, 2021.

Sincerely,

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Chad B. Wegley, Secretary

CBW:ml