REGULAR MEETING OF THE BOARD OF DIRECTORS

ALTA IRRIGATION DISTRICT

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

Thursday, February 09, 2023

MINUTES

1. **CALL TO ORDER**

   1.1. Roll Call – The Regular Board Meeting for Alta Irrigation District was called to order at 9:32 a.m. by President Jack Brandt. Members present were Domenic Fino, Jerry Halford, John Kalender, Christopher Myers, and Elliott Rossotti. Member Larry Tout was absent. Others present were General Manager Chad Wegley, Operations Manager Marc Limas, Engineer Jim Wegley, and Attorney Lauren D. Layne. Attorney Nicolas A. Jacobs joined via telephone for item 11.1 only. Attorney Douglas B. Jensen joined via telephone for items 11.2 through 11.6 only.

   1.2. Potential Conflict(s) of Interest – Director Fino declared a financial conflict of interest on item 11.1 and 11.6 and will leave the room for those items. Attorney Layne declared a conflict of interest on item 11.1 and will leave the room for that item.

2. **PUBLIC COMMENT** – Landowners James & Kristal Oliver discussed the trees along the canal bank, condition of the western O&M road, and other encroachment activity.

   President Brandt took item 11.1 out of order and adjourned to closed session at 9:37 a.m. to confer with counsel. Director Fino declared a financial conflict of interest on item 11.1 and left the room. Attorney Layne declared a conflict of interest on item 11.1 and left the room. Attorney Nicolas A. Jacobs joined closed session via telephone for item 11.1.

   The Board reconvened into open session at 10:02 a.m. with no reportable action taken during closed session.

3. **ADDITIONS TO OR DELETIONS FROM AGENDA** – Item 5.1 tabled until the next meeting.

4. **COMMUNICATIONS** – None.

5. **CONSENT CALENDAR** – It was M/S/C unanimously (Tout absent) on motion by Vice President Halford, seconded by Director Kalender, that consent calendar items be approved as presented, with the exception of item 5.1, which as tabled until the next meeting.

   5.1. Board Meeting Minutes for Regular Board Meeting of January 12, 2023.

   5.2. Collector's Report for January 2023. (Insert 5.2)

5.3. Approve Payment of the January 2023 Warrants. (Insert 5.3)

5.4. Encroachment (PG&E – Dinuba Town 10322302). Review and consider approving one (1) District standard encroachment agreement.

5.5. Encroachment (Sultana Community Services District – Carey Hunter 10722201). Review and consider approving an additional two (2) District standard encroachment agreements.

5.6. Pipeline Development Agreement (Castle Rock Development – Nuss 10702201). Review and consider approving one (1) District standard Pipeline Development Agreement for the Nuss Ditch.

5.7. Approve Records Destruction in Accordance with Records Retention and Destruction Policy. (Insert 5.7)

6. ADMINISTRATIVE/FINANCIAL

6.1. Treasurer's Report. As of January 31, 2022, the cash balance is $7,533,375.64. Accounts Receivable and Inventory total approximately $2,610,542. Current year revenue and expenses are approximately $5,336,343 and $1,124,694 respectively, resulting in a net cash flow of about $4,212,554. (Insert 6.1) It was M/S/C unanimously (Tout absent) on motion by Director Fino, seconded by Director Myers, to accept the January 31, 2023, Treasurer's Report.

6.2. Monthly Report of Reserve Accounts, Unrestricted Funds, and Status of Investments. It was M/S/C unanimously (Tout absent) on motion by Director Rossotti, seconded by Director Kalender, to accept the Monthly Report of Reserve Accounts, Unrestricted Funds, and Status of Investments. (Insert 6.2)

6.3. Trenching and Excavation Operation Policy. It was M/S/C unanimously (Tout absent) on motion by Vice President Halford, seconded by Director Myers, to approve revised Trenching and Excavation Operation Policy. (Insert 6.3)

6.4. Vehicle and Defensive Driving Policy. It was M/S/C unanimously (Tout absent) on motion by Vice President Halford, seconded by Director Myers, to approve Vehicle and Defensive Driving Policy. (Insert 6.4)

7. CURRENT PROJECTS – Information Items Only; No Action Will be Taken

7.1. Avenue 416 Widening (Tulare County – Caesar 9922). No update.

7.2. Encroachment (San Joaquin Valley Homes – Horseman 10022201). No update.

7.3. Encroachment (City of Dinuba – Dinuba Town 10092201). No update.

7.4. Alternate Turnout (M&G Farms Inc. – Lovell 10102001). No update.

7.5. Avenue 376 Bridge (Tulare County – Traver 10131901). No update.

7.6. Avenue 430 Bridge (Tulare County - Buttonwillow 10132201). No update.

7.7. Pipeline Development & Encroachments (Century Homes - Buttonwillow 10251901). No update.

7.8. Bridge Crossing (James & Betty Spitze – Mt. Campbell 10402002). No update.

7.9. Encroachment (PG&E – Wilson & Dinuba Town 10322102). No update.

7.10. Encroachment (PG&E – Traver Canal 10322103). No update.

7.11. Encroachment (PG&E – Floyd Canal 10322201). No update.

7.12. Encroachment (PG&E – Traver Canal 10322202). No update.

7.13. Encroachment PG&E – Small Ditch 10322203). No update.

7.14. Encroachment PG&E – Bump and Edmiston 10322301). No update.

7.15. Encroachment PG&E – Dinuba Town 10322302). No update.

7.16. Bridge Crossing (Smith Mountain Estates, LLC – Smith Mountain 10502001). No update.

7.17. Parlier Avenue Bridge (Fresno County – Traver 10532101). No update.

7.18. Englehart Bridge (Fresno County – Reedley Main 10532102). No update.

7.19. Alta Avenue Bridge (Fresno County – Traver 10532103). No update.

7.20. Manning Avenue Bridge (Fresno County – Traver 10532104). No update.

7.21. Lincoln Avenue Bridge (Fresno County – Traver 10532105). No update.

7.22. Alternate Turnout (Cardenas Farms – California Vineyard Ditch 10582101). No update.

7.23. Encroachment (Megalodon Properties LLC – Buttonwillow Pipeline 10642101). No update.

7.24. Encroachment (MBN Homes LLC – Horseman Ditch 10652101). No update.

7.25. Alternate Turnout (Red Wolf Farms, LLC – California Vineyard 10662201). No update.

7.26. Pipeline Development & Encroachments (Dinuba Unified School District – Dinuba Town & Burum 10682201). General Manager Wegley provided an update on the progress of construction and reported that the District responded to submittals regarding "T"-vents, concrete mixes, and canal gates.

7.27. Encroachment (AT&T – Smith Mountain Pipeline 10692201). No update.

7.28. Pipeline Development (Castle Rock Development – Nuss Ditch 10702201). No update.

7.29. Alternate Turnout (Neil Zwart – Vannoy 10712201). No update.

7.30. Encroachment (Sultana Community Services District – Carey – Hunter 10722201). No update.

7.31. Encroachment (SoCalGas – Banks Ditch 10782201). No update.

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

8.1. Water Conditions Update. Water conditions report was added as an addendum to the minutes. (Insert 8.1)

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

9.1. Encroachment (SoCalGas – Banks Ditch 10782201). It was M/S/C unanimously (Tout absent) on motion by Director Rossotti, seconded by Vice President Halford, to approve one (1) non-District standard encroachment agreement. (Insert 9.1)

10. OLD BUSINESS

10.1. Manager's Report. Manager's report was added as an addendum to the minutes. (Insert 10.1)

10.2. Attorney's Report. Attorney Layne reported on various bills of this legislative session.

President Brandt called a recess at 11:32 a.m. President Brandt reconvened the meeting at 11:44 a.m.

11. ADJOURN TO CLOSED SESSION – President Brandt adjourned to closed session at 11:44 a.m. and conferred with counsel on items 11.2 through 11.6. Director Fino declared a financial conflict of interest on item 11.6 and left the meeting at 12:11 p.m.

11.1. 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.*

11.2. 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)

11.3. 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).*

11.4. Conference with Legal Counsel Regarding Labor Negotiations, Government Code §54957.6(a). Board of Directors will confer with counsel for possible action regarding Local 39 labor negotiations.

11.5. Conference with Real Property Negotiators.
Property: Tulare County APN 033-030-007
Agency Negotiator: Chad Wegley
Negotiating Parties: Ebiner Trust
Under Negotiation: Price and terms of payment

11.6. 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)

12. RECONVENE TO OPEN SESSION - The Board reconvened into open session at 12:24 p.m. with no reportable action taken during closed session.

13. ADJOURNMENT – There being no further business, President Brandt adjourned the meeting at 12:24 p.m. until the next scheduled meeting on March 9, 2023.

Sincerely,

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Chad B. Wegley, Secretary

CBW:ml