REGULAR MEETING OF THE BOARD OF DIRECTORS

ALTA IRRIGATION DISTRICT

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

Thursday, December 14, 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, Christopher "C.J." Myers, Elliott Rossotti, and Larry Tout. Member John Kalender joined the meeting at 9:48 a.m. Others present were General Manager Chad Wegley, Operations Manager Marc Limas, and Attorney Lauren D. Layne. Attorney Douglas B. Jensen joined the meeting via telephone for closed session.

1.2. Potential Conflict(s) of Interest – Director Fino declared a financial conflict of interest on items 12.1 and 12.6 and will leave the room for those items.

2. PUBLIC COMMENT – Jack Schreuder, Director of Facilities Maintenance for Dinuba Unified School District, and Kelly Fitzsimmons, Superintendent with Bush Construction, commented on outstanding submittals for Alta Irrigation District facilities impacted by Dinuba Unified School District's new high school. Kristal Oliver, a landowner in Alta Irrigation District, commented on encroachments along that portion of the East Reedley ditch adjacent to her property. Ms. Oliver also explained that her property did not receive water during the last 3 months of water run; she also reported that District staff told her this ditch was offline for repair. Ms. Oliver was asked to e-mail a copy of her water order conservation log to District management so an investigation could be opened.

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

3.1. Water Conditions Update. General Manager Chad Wegley explained that headgate diversions this water run are expected to exceed 280,000 AF and that the largest daily diversion rate was more than 1,000 cfs. Mr. Wegley noted that each "wet" year since 2017 the District's headgate diversion exceeded 245,000 AF and the water run duration was greater than 200 days, a feat that last occurred half a century ago. Also, headgate diversion for May through the 1st week of September totaled more than 205,000 AF, the 12th largest even when compared to post-1989 calendar year headgate diversions. Water conditions report was added as an addendum to the minutes. (Insert 3.1)

4. ADDITIONS TO OR DELETIONS FROM AGENDA - None.

5. COMMUNICATIONS

5.1. Tulare County RMA Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration for the East Orosi Community Services District Water Supply and Infrastructure Project. Review and take action on submitting a comment letter i) highlighting potential impacts to District facilities,

ii) reminding the applicant that an encroachment agreement is required when crossing District infrastructure, and iii) identifying any other issues/concerns of the District. (Insert 5.1)

6. **STEVE BARNETT RETIREMENT RESOLUTION** – It was M/S/C unanimously (Kalender absent) on motion by Vice President Halford, seconded by Director Myers, to adopt Resolution R2023-1201 honoring the retirement of Superintendent Steve Barnett. (Insert 6.1)

7. **CONSENT CALENDAR** – It was M/S/C unanimously on a motion by Director Rossotti, seconded by Director Kalender, that consent calendar items be approved as presented.

   7.1. Board Meeting Minutes for Regular Board Meeting of October 12, 2023 and November 09, 2023.

   7.2. Collector's Report for November 2023. (Insert 7.2)

   7.3. Approve Payment of the November 2023 Warrants. (Insert 7.3)

   7.4. Encroachment (City of Dinuba – Smith Mountain 10092301). Review and consider approving one (1) standard District encroachment.

   7.5. Encroachment (PG&E – East Branch 10322304). Review and consider approving one (1) standard District encroachment.

   7.6. Approve 2024 Meeting Calendar. (Insert 7.6).

8. **ADMINISTRATIVE/FINANCIAL**

   8.1. Treasurer's Report. As of November 30, 2023, the cash balance is $4,510,195.09. Accounts Receivable and Inventory total approximately $5,762,796. The current year's revenue and expenses are approximately $5,742,978 and $583,166, respectively, resulting in a net cash flow of about $5,160,930. (Insert 8.1). It was M/S/C unanimously on a motion by Director Kalender, seconded by Director Tout, to accept the November 2023 Treasurer's Report.

   8.2. Monthly Report of Reserve Accounts, Unrestricted Funds, and Status of Investments. It was M/S/C unanimously on a motion by Director Rossotti, seconded by Vice President Halford, to accept the Monthly Report of Reserve Accounts, Unrestricted Funds, and Status of Investments. (Insert 8.2)

   8.3. Board Officer Reorganization. President Brandt handed control of the meeting to Vice President Halford. Vice President Halford nominated Jack Brandt for president, with no further nominations received; the nomination was carried unanimously on a voice vote, and Jack Brandt was elected president. Vice President Halford returned control of the meeting to President Brandt. Director Rossotti nominated Jerry Halford for Vice President, with no further nominations received; the nomination was carried unanimously on a voice vote, and Jerry Halford was elected Vice President. Vice President Halford nominated Chad Wegley for Secretary and Marc Limas for Treasurer, with no further nominations received; the nominations were carried unanimously on a voice vote, and Chad Wegley was elected Secretary, and Marc Limas was elected Treasurer.

8.4. Bank Account Signature Cards. Review and take action naming authorized bank account signors. No action taken.

8.5. Revised Injury Illness and Prevention Plan. It was M/S/C unanimously on a motion by Director Kalender, seconded by Director Myers, to approve the revised Injury Illness and Prevention Plan. (Insert 8.5)

8.6. Workplace Violence Prevention Program. It was M/S/C unanimously on a motion by Director Rossotti, seconded by Director Myers, to approve the Workplace Violence Prevention Program. (Insert 8.6)

8.7. Rescind Covid-19 Prevention Plan. It was M/S/C unanimously on a motion by Director Tout, seconded by Director Rossotti, to rescind the COVID-19 Prevention Plan.

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

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

9.2. Encroachment (City of Dinuba – Smith Mountain (10092301). No update.

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

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

9.5. Encroachment (CVIN – Dinuba Town & Burum 10212302). No update.

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

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

9.8. Encroachment (PG&E – Wilson, Dinuba Town, & Van Noy 10322102). No update.

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

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

9.11. Encroachment (PG&E – East Branch 10322304). No update.

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

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

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

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

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

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

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

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

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

9.21. Pipeline Development & Encroachments (Dinuba Unified School District – Dinuba Town & Burum 10682201). General Manager Wegley provided a brief overview about project

activities that have occurred since an initial meeting with DUSD representatives in September 2016 and explained that outstanding submittals are associated with items that did not incorporate requirements stipulated by the District in a September 2022 comment letter, which contained nearly 140 comments. Mr. Wegley also noted that issues with outstanding submittals are the byproduct of DUSD bidding, awarding, and constructing a project not approved by the District.

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

9.23. Encroachment (AT&T – Dinuba Town & Burum 10692301). No update.

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

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

9.26. Encroachment (Steven Boos – Buttonwillow 10872302). No update.

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

10.1. Dump Truck Purchase. It was M/S/C unanimously on a motion by Director Rossotti, seconded by Director Kalender, to approve the purchase of one (1) new 2024 Freightliner ten-yard dump truck under the Sourcewell cooperative purchasing agreement. (Insert 10.1)

10.2. Corporation Yard Electrical Upgrade. It was M/S/C unanimously on a motion by Director Myers, seconded by Director Rossotti to award bid for the Corporation Yard Electrical Upgrade to JB Electric Inc. (Insert 10.2)

10.3. Pima Wawona Chapter 11 Bankruptcy Filing. Attorney Layne provided an update on the bankruptcy filing, noting that special counsel for the District will file claims for unpaid assessments and water surcharges.

11. OLD BUSINESS

11.1. Manager's Report. The manager's report was added as an addendum to the minutes. (Insert 11.1)

11.2. Attorney's Report. Attorney Layne reported on various bills from this legislative session and the ACWA comment letter submitted to the State Water Resources Control Board included in the Board package insert 5.1. She also indicated her office would be providing AB 1234 and AB 1825 trainings.

11.3. Ad-Hoc Committee Reports. Review and take action as appropriate.

11.3.1. Maintenance Ad-Hoc Committee. No update.

11.3.2. Public Relations Ad-Hoc Committee. No update.

President Brandt called a recess at 12:04 p.m. President Brandt reconvened the meeting at 12:27 p.m.

12. ADJOURN TO CLOSED SESSION – President Brandt adjourned to closed session at 12:27 p.m.

and conferred with counsel on items 12.2 through 12.6. No discussion will be held on item 12.1. Director Fino declared a financial conflict of interest on items 12.1 and 12.6 and left the meeting at 1:20 p.m.

12.1. 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*.

12.2. 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 from seepage along District canal. (2 cases)

12.3. 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)

12.4. 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).*

12.5. 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.

12.6. 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)

13. RECONVENE TO OPEN SESSION – The Board of Directors reconvened into open session at 1:55 p.m. with the following reportable action taken during the October 12, 2023, Board meeting in closed session. It was M/S/C unanimously on a motion by Director Myers, seconded by Director Rossotti, to approve the Memorandum of Understanding for October 1, 2022, through September 30, 2025, with Stationary Engineers Local 39, which the District signed and provided to Stationary Engineers Local 39 on October 12, 2023, with Stationary Engineers Local 39 returning a fully executed MOU on December 1, 2023.

14. ADJOURNMENT – There being no further business, President Brandt adjourned the meeting at 1:56 p.m. until the next scheduled meeting on January 11, 2024.

Sincerely,

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Chad B. Wegley, Secretary

CBW:ml