

**MINUTES OF REGULAR MEETING OF THE BOARD OF DIRECTORS  
OF THE TULARE IRRIGATION DISTRICT HELD  
VIA ZOOM TELECONFERENCE ON THE  
9<sup>th</sup> DAY OF AUGUST, 2022 AT THE HOUR OF 9: 00 A.M.**

Call to Order and Roll Call:

Mr. Fukuda reported due to the Governor's Executive Order (N-29-20) and the declared state of emergency, including current social distancing directives as a result of the threat of the COVID-19 virus, the Tulare Irrigation District (TID) Board Members met via Zoom teleconference, under social distancing guidelines. There was no physical location for this meeting for the public. Members of the public and other officials participated in the Open Session portion of the meeting remotely via Zoom teleconference.

Directors present at the meeting held at the date and time above designated were President David Bixler, Rick Borges, Scott Rogers, Dave Martin, and Mike Thomas. Staff present at the meeting were Aaron Fukuda, General Manager; Kathi Artis, Controller and Treasurer; Beth Holmes, Senior Administrator and Assessor-Collector; James Fisher, Water Resources Engineer; Wayne Fox, Superintendent, Marco Crenshaw, Watermaster; Wayne Fox; Jeremy Barroll, Assistant Engineer; and Alex Peltzer, District Counsel. Also present or via Zoom teleconference roll call were Don Wright, Water Wrights; Austin William; and Johnny Gailey, Delta Vista Water Association. Mr. Bixler thanked everyone for attending and announced that there was a full quorum of the Board of Directors present. President Bixler asked if there were any changes, additions, or deletions to the agenda, of which Mr. Fukuda reported there was none. The meeting was thereupon called to order by President Bixler.

Public Comments:

There was one public comment to come before the Board. Don Wright thanked Mr. Fukuda for being accessible for questions regarding water issues.

Approval of Minutes:

Director Bixler then noted that the minutes of the Regular Meeting of July 12, 2022 were distributed and asked if any errors or omissions were noted therein. By the motion of Director Borges and seconded by Director Martin, unanimously carried by all Directors present, the minutes of the Regular Meeting of July 12, 2022 were thereupon approved as presented.

Watermaster Report:

Lake Kaweah Storage and Operations: Mr. Crenshaw reported on Lake Kaweah Storage and Operations/Water Supply Outlook - Mr. Crenshaw began his report by noting Terminus Reservoir total inflow for the day was 121 CFS, and the storage at Terminus Reservoir for the previous day was 66,318 AF. He then reported that the daily release from Terminus Reservoir was 385 CFS.

Thereupon, Mr. Crenshaw mentioned that the Millerton Lake total inflow was 19 CFS and the entire storage at Millerton Lake was 272,951 AF. He reported that the total daily release from Millerton was 1,431 CFS.

Water Supply Outlook - Mr. Crenshaw continued his report by indicating that the district's current water supply stood at 7,693 AF. The January 2022 to July 2022 cumulated diversions to TID were 25,890 AF. CVP Supply 2022 Contract totaled: 7,500 AF.

Mr. Crenshaw thereupon reported that the district diverted 950 AF in July. He indicated that 50% of the diversions were delivered to farm turnouts; 42% recharged in District basins; and 8% recharged in

District canals.

Water Management Activities and Issues - Mr. Fukuda updated the Board on California Reservoir Operations and the Friant allocations, which was 30% Class 1 and 0% Class 2.

O&M Superintendent Report:

Routine Work - Mr. Fox provided an update on operations and maintenance activities during the past month. Mr. Fox noted ongoing O&M work, trash removal, mowing and dozing bottoms of canals and reservoirs, pre-emergent herbicide application, hauling of rip-rap and dirt to ditch slopes for erosion control. Mr. Fox highlighted getting ready for the Fall Maintenance season.

Cooperative Maintenance Agreement - Delano-Earlimart Irrigation District (DEID). Mr. Fukuda briefed the Board on the following: DEID contacted TID to discuss groundwater recharge basin operations and maintenance practices. Mr. Fukuda highlighted DEID has started increasing the number of recharge basins within DEID. Mr. Fukuda reported Superintendent Fox gave DEID a tour of TID's basins. Mr. Fukuda asked the Board to consider a Cooperative Maintenance Agreement with DEID. By the motion of Director Martin and seconded by Director Borges, unanimously carried by all Directors present, The Cooperative Maintenance Agreement with DEID was approved subject to final edits that would not significantly modifying the agreement.

Treasurer Reports:

Approval of Financial Statements - Ms. Artis presented the financial statements for July 2022 for the Board's review and consideration. She addressed first the revenue and expense statement, indicating that the total revenue for July 2022 was \$4,803,257, which was approximately 55.33% of the revised budget. She next presented the expenses, highlighting several items and reporting expenses from July totaling \$5,199,449 which was approximately 47.82% of the revised budget. She then went on with presenting the statements of cash flows and net assets, stating that the current cash standing was at \$9,095,324. Based on the Statement of Net Assets, Ms. Artis reported that Total Liabilities were at \$13,053,297, and the Total Equity in the District stood at 32,423,056. She lastly cited investment return for the district's several holding accounts, those being 1.04% with the Tulare County Pooled Investment Fund, 0.861% with the State LAIF, and 0.100% with Citizen's Money Market Fund.

Then, Ms. Artis reported on the following Designated Funds: Water Sale Rate Stabilization, Groundwater Replenishment, and CVP Environmental Charges.

Approval of Bill Payments - Ms. Artis presented the list of bills submitted for ratification and approval by the Board. After scrutiny of particular bills, the Board, by the motion of Director Martin, seconded by Director Borges and unanimously carried by all Directors present, accepted the financial statements and, by said motion, check nos. 54059 through 54135 totaling \$423,529.14 were all either ratified or approved as paid, exclusive of any voided or withheld checks.

Prop 218 - Update:

Mr. Fukuda gave the Board of Directors an update of the Prop 218 Election. Mr. Fukuda reported the following: Ballots were mailed on July 13<sup>th</sup>; approximately 210 Ballots were returned to the PO Box or TID office; some ballot corrections were requested: approximately 11 Ballots were adjusted mainly for ownership changes or failure to receive ballots; and several Grower calls were received.

Engineer Report:

Update on Engineering Activities: Mr. Barroll provided an update on engineering, highlighting several ongoing projects in the District that impacted District facilities.

#### Management Staff Report:

Sustainable Groundwater Management ACT (SGMA) Matters - Mr. Fukuda summarized recent activities concerning the Kaweah Subbasin. First reporting on the MKGSA Plan Revisions reporting on the following: First Amended GSPs completed; First Amended Coordination Agreement Completed. Mr. Fukuda further reported the GSPs were submitted to Department of Water Resources (DWR) via the SGMA Portal on July 27, 2022. Reporting Final documents can be download from [www.midkawah.org](http://www.midkawah.org) or the SGMA Portal at <https://sgma.water.ca.gov/portal/>

Mid-Kaweah Groundwater Sustainability Agency (MKGSA): Mr. Fukuda presented an update on the MKGSA Emergency Ordinance. Reporting Montgomery and Associates did an excellent job. Two policies are being developed: (1) Dairy Policy - Utilize the 4 Creeks Dairy Model: Assign a consumption of 0.5 AF/Acre of ET to the Dairy Facility; and (2) Fallow Field - Zero out the ET as the average is showing that fallow uses precipitation.

Next, Mr. Fukuda gave an update on the MKGSA Water Dashboard: Two Water Dashboard Registration events were held; Notifications were sent out; MKGSA Water Dashboard is now at 30% Enrollment.

Lastly, Mr. Fukuda and Mr. Fisher reported: Regulated Parcel Acres enrolled 32,877 (43%); Regulated Parcel Acreage not enrolled 44,329 acres (57%); Regulated Parcels enrolled 494 parcels (29%); and Regulated Parcels not enrolled 1,210 parcels (71%).

Friant Matters: Mr. Fukuda provided the Board with an update on Friant Matters. Mr. Fukuda reported on the following: Friant Kern Canal (FKC) Middle Reach Project has 35% completed with earthwork; Some districts are concerned if we get to a wet year - this could impact Class 1 districts south of the fix; \$445,000 in change orders (One large \$300,000 utility relocation change order); and Eastern Tule Groundwater Sustainability Agency (ETGSA) Prop 218 election failed, which means the ETGSA will be paying quarterly to achieve \$200 million.

Lastly, Mr. Fukuda reported that Friant Board Retreat is set for November 14-17, 2022; Given the varying issues facing Friant and the significant costs, this is a good opportunity to determine the strategies moving forward. Mr. Fukuda encouraged the Tulare Irrigation District Board to attend, stating Friant Retreat is all about the issues and sets the tone for the next twelve months.

McKay Point Reservoir/Seaborn Reservoir - Mr. Fukuda provided the Board with an update on the McKay Point Reservoir/Seaborn Reservoir Project. Mr. Fukuda first reported on the Seaborn Reservoir Project, reporting the following: On August 1, 2022 Notice was given that the Federal Emergency Management Agency(FEMA) did not award the Building Resilient Infrastructure and Communities (BRIC) Grant to the McKay Point Seaborn Reservoir Project; California Governor's Office of Emergency Services (CalOES) and Consultants are puzzled and shocked; Mr. Fukuda will look into ways the State could step in and help the project; Technical Evaluation received: Did not meet Benefit Cost Analysis requirement; Santa Fe Aggregates has inspected the site and their Sacramento Team will also be evaluating the site.

Next, Mr. Fukuda reported on McKay Point Reservoir. Mr. Fukuda reported the following: Tulare County has reviewed all of the EIR Chapters and we are analyzing the comments; Initial takeaways: not many significant comments, but will need to address a few comments



from the County before proceeding; Will be meeting with SESPE Consulting to begin addressing concerns and finalizing EIR; Tulare County Air Quality issues and concerns; Mr. Fukuda Met with Slurry Wall company to provide update; Had a meeting with the hydrogeologist to discuss slurry wall design proposal.

Legislation - Mr. Fukuda provide a legislation update on Assembly Bill 2201 (Bennett D) Groundwater sustainability agency: groundwater extraction permit. The Board discussed the merits of the bill. Mr. Fukuda gave a summary mentioning: Small working group (Kassy Chauhan, Geoff Vanden Heuvel, Aaron Fukuda, and Ruth Dalquist (UC Cooperative Extension) met with Assembly Member Bennett. Mr. Fukuda highlighted that Ruth Dalquist joined the group. Amendments provided by Ms. Dalquist were accepted by Bennett, but they needed to be clarified as pertaining to AG Wells. A request was made to provide exemptions for small farmers within 15% of shallowest wells receiving an exemption - confusion on "all" wells or "ag" wells and what dataset; Very clear that the Assembly Member and staff are going to pursue at all cost the passage of this bill. Mr. Fukuda recommended remaining on Opposed Unless Amended. Mr. Fukuda submitted a comment letter to the Appropriations Committee.

#### General Manager Report:

General Manager Fukuda reported the focus has been on: Assisting with the Groundwater Sustainability Plan (GSP) Revisions; TID's Prop 218 Election; Attended the ACWA Water Management, Groundwater, and Ag Committee meetings.

Mr. Fukuda highlighted the following meetings: Groundwater: CEQA Exemption process for recharge projects under EO, if State Intervention occurs, GSAs must still implement GSP, AB 2201; (2) Water Management: AB 2201 discussion, water savings is not what was anticipated (less), SWRCB Racial Equity Action Plan; and Stream Gauging Plan recommending improvements and installation of new gauges: (3) Ag: Report from DeeDee Adamo - curtailments, want local control under SGMA and will look at targeting areas within a subbasin "good actor clause", GCID presentation of 500,000 acres in Sac Basin, they will fallow 400,000 acres this year, Presentation on Russian River voluntary Water Sharing Program used instead of curtailments, AB 2201, SB 1205-Water rights water availability analysis and may apply to existing water rights.

Then, Mr. Fukuda mentioned the ACWA Region 6&7 Tour would be taking place on October 13<sup>th</sup>; TID will be hosting them at the Seaborn Property to discuss the project and the Okieville Basin Project.

Mr. Fukuda was asked to participate in the ACWA Water Plan 2023 Update. Mr. Fukuda reported on the following: Recent meeting on equity; Presentation from the Department of Water Resources (DWR) on dataset preparation on equity; DWR Staff is collecting data on irrigation districts, special districts, sanitary districts, etc. on the makeup of boards by gender and race; Gender: male/female; Race: White and non-white; DWR Staff Member most of the Boards are white males.

#### Matters for Consideration of Board Action:

Resolution No. 22-12 - Approval of Conflict-of-Interest Code. Mr. Fukuda indicated that due to contact with Tulare County, this item would not be considered.

Board of Equalization - Mr. Fukuda stated regardless of the Prop 218 process the District's Board of Equalization (BOE) needs to be established and remain in existence for ten days period beginning on September 13, 2022 to hear objections to the levy of District assessments and related land valuations for 2023. The BOE will

consist of the Tulare Irrigation District Board of Directors. By the motion of Director Rogers and seconded by Director Martin, unanimously carried by all Directors present, to approve establishing the Board of Equalization as the Tulare Irrigation Board of Directors, which will sit for a 10-day period beginning on September 13, 2022.

Resolution No. 22-13 - IRWMP Grant. Mr. Fukuda presented for Board consideration TID Resolution No. 22-13 providing authority to apply for California Department of Water Resources (DWR) Round 2 Integrated Regional Water Management Implementation Grant Program, Grand Funds for TID purposes to construct the Seaborn Reservoir, which includes an 8,000 acre-foot reservoir with appurtenant facilities to divert water from the Kaweah River and to return water to the Kaweah River above McKay Point and into the St. John River, and the establishment of habitat around the reservoir. By the motion of Director Borges and seconded by Director Rogers, unanimously carried by all Directors present, Resolution No. 22-13 was thereupon approved as presented.

Consideration of Wage/Salary CPI Adjustment: Mr. Fukuda presented for Board consideration and approval a Cola Adjustment. Mr. Fukuda outlined events: At the July 2022 Board Meeting: TID's Board approved a COLA adjustment of 5% and CPI was trending around 8.3%, at this time an alternative to allow up to 3% was to offer Personal Time Off (PTO) of up to 7 days was discussed. Mr. Fukuda met with the District's HR Attorney and briefed the Board on the following alternative: Holiday Leave for District: (1) Christmas and New Year's Day fall on Sunday, meaning Monday, the day after the holiday the office is closed. (2) Proposal: District will close between Christmas and the week after New Year; This is a total of 8 days of leave beyond the currently Holiday schedule (equivalent to 3%); Savings realized by the office not being open (approximately \$16,000 - \$2K per day); When we encounter an irrigation/flood release, those employees would have an 8 day leave in the future, but must be taken in a block and to be used by the end of the year unless approved by Board.

By the motion of Director Martin and seconded by Director Thomas, unanimously carried by all Directors present, the General Manager was authorized to provide administrative leave for a period starting December 25, 2022 through January 6, 2023 to all staff, however, in the event that the district is managing an irrigation/flood release, those staff required to manage the water supply shall be allocated a subsequent equivalent period of administrative leave later in the year.

#### Board Member Reports of Meetings:

Director Bixler asked if any of the Directors have reports on meetings they attended or wished to discuss at this time.

Director Martin reported attending the Mid-Kaweah Groundwater Sustainability Agency (MKGSA) Board meeting on July 20, 2022.

Director Borges reported attending the Kaweah Basin Water Quality Association (KBWQA) Board meeting on August 4<sup>th</sup>. He also attended the Kaweah & St. Johns River Association (KSJRA) Board meeting on August 4<sup>th</sup>. Mr. Borges stated he attended the Kaweah Water Foundation meeting. He also attended the Friant Water Authority (FWA) Board meeting on July 28<sup>th</sup>.

Director Thomas and Director Bixler both reported attending the Wutchumna Water Company Board meeting on July 13<sup>th</sup>.

#### Closed Session:

The Board thereupon adjourned into closed session under \$54956.8, \$54956.9(a)), \$54956.9(b)), \$54956.9(c)), \$54957.6, \$54957, and 54956.95 of the Government Code.

Upon return to open session, it was reported that no reportable actions were made by the Board.

There being no other items to come before the Board of Directors, the meeting was then adjourned to August 31, 2022 Public Hearing.



Secretary



President