

**MINUTES OF REGULAR MEETING OF THE BOARD OF DIRECTORS  
OF THE TULARE IRRIGATION DISTRICT HELD  
VIA ZOOM TELECONFERENCE ON THE  
10<sup>th</sup> DAY OF MAY, 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 at the District Office (6826 Avenue 240, Tulare, CA 93274) 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, Dave Martin, and Mike Thomas. Absent Director Scott Rogers. 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; Marco Crenshaw, Watermaster; Jeremy Barroll, Assistant Engineer; and Anthony Sousa, Intern. Also present or via Zoom teleconference roll call were Maryse Suppiger, Manulife Investment Management, Timberland and Agriculture; Douglas Jackson, Farming; Don Wright, Water Wrights; Johnny Gailey, Green-Acres Ag Consulting; Matt Klinchurch, Provost & Pritchard Consulting, Group; Lora Carpenter and Robert Porr, Fieldman, Rolapp & Associates; Austin Williams, Manulife. 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 were no public comments to come before the Board.

Approval of Minutes:

Director Bixler then noted that the minutes of the Adjourned Regular Meeting of April 19, 2022 were distributed and asked if any errors or omissions were noted therein. By the motion of Director Martin and seconded by Director Thomas, unanimously carried by all Directors present, the minutes of the Adjourned Regular Meeting of April 19, 2022 were thereupon approved.

Watermaster Report:

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 644 CFS, and the storage at Terminus Reservoir for the previous day was 100,938 AF. He then reported that the daily release from Terminus Reservoir was 52 CFS.

Thereupon, Mr. Crenshaw mentioned that the Millerton Lake total inflow was 1,531 CFS and the entire storage at Millerton Lake was 368,551 AF. He reported that the total daily release from Millerton was 1,683 CFS.

Water Supply Outlook - Mr. Crenshaw continued with his report by indicating that the District's current water supply stood at 3,265 AF. The January 2022 to April 2022 cumulated diversions to TID was 21,466 AF. CVP Supply 2022 Contract totaled: 0.00 AF.

Mr. Crenshaw thereupon reported that the District diverted 900 AF in April. He indicated that 30% of the diversions were delivered to farm turnouts; 54% recharged in district basins; and 16% recharged in

district canals.

Water Management Activities and Issues - Mr. Fukuda first updated the Board on California Reservoir Operations reporting Friant Allocations: 15% Class 1 and 0% Class 2.

Next, Mr. Fukuda reported on current California Major Water Supply Reservoirs levels emphasizing the following: Shasta Lake was at 40% full and Millerton Lake was 71% full.

Mr. Fukuda reported April storms helped Northern California reservoirs. Then, Mr. Fukuda reported on the Airborne Snow Observatory (ASO) Flight Program reporting April flights showed 304.4 TAF snow water equivalent. Lastly he reported that the California Department of Water Resources (DWR) will be paying for the next ASO flight.

O&M Superintendent Report:

Routine Work and Construction Projects - Mr. Fox reported to the Board activities undertaken during the past month. Mr. Fox reported on Routine Work and Construction Activities mentioning the following: Canal improvements throughout the district and upstream channels, Main Canal bar-gate repair, Dozer work, Ongoing homeless issues, Trash removal, Pre-emergency herbicide applications, and Fleet vehicle repairs.

Mr. Fox mentioned having one employee work for Kaweah Delta Water Conservation District and the possibility of a few employees working for Alta Irrigation District and/or the City of Tulare in the near future.

Treasurer Reports:

Approval of Financial Statements - Ms. Artis presented the financial statements for April 2022 for the Board's review and consideration. She addressed first the revenue and expense statement, indicating that the total revenue for April 2022 was \$608,103, which was approximately 7.01% of the revised budget. She next presented the expenses, highlighting several items and reporting expenses from March totaling \$3,361,993, which was approximately 30.92% 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 \$7,482,351. Based on the Statement of Net Assets, Ms. Artis reported that Total Liabilities were at \$13,671,119, and the Total Equity in the District stood at 30,569,853. She lastly cited investment return for the district's several holding accounts, those being 1.050% with the Tulare County Pooled Investment Fund, 0.365% 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 Thomas, seconded by Director Martin and unanimously carried by all Directors present, accepted the financial statements and, by said motion, check nos. 53859 through 53896 totaling \$80,893.44 were all either ratified or approved as paid, exclusive of any voided or withheld checks.

Tulare ID Proposition 218 Process. Mr. Fukuda gave the Board a lengthy update on Tulare ID Prop 218 process. Mr. Fukuda reported that the Prop 218 Ad-Hoc Committee met on May 2, 2022 and thoroughly covered the Draft 218 Engineer's Report prepared by Matt Klinchurch.

Mr. Fukuda reported that certain Friant Water Authority (FWA) Model estimated cost increases were not included in the Prop 2018 Engineer's report. The additional increases in costs included: San Luis & Delta-

Mendota Water Association (SLDMWA) 1%; Interest Rates 7.23% to 8.23%; FWA Operations and Maintenance Program up \$100,000; and FWA Middle Reach Project cost increased \$400,000. Then, Mr. Fukuda highlighted problems with FWA Cost-Recovery Methodology which could increase the district's share of costs by 1%.

Mr. Fukuda addressed the need for Board's directions. Mr. Fukuda presented for Board consideration and discussion the Prop 218 Ad-Hoc Committee recommendations that included: (1) Long-Term Financial Plan Assessments Rates \$87-\$189. Proposal to set the Maximum Assessment Rate at \$140 per acre; (2) 1 Acre or less Assessment Rate \$68.00 (Base: General & Administration); (3) CPI Index Chart recommending Western US CPI Index; (4) Recommend Components of Assessments: General & Administration, Water Supply, and Capital Improvements; (5) Recommend Implementation Plan (5-year ramp-up period) options: Increase by percentage per year, Increase by assessment component (2023-2027) 1YR: \$36.00; 2YR: \$25.00; 3YR: \$16.00; 4YR: \$16.00; and 5YR: \$16.00; and (6) Recommend CPI Adjustment to City of Tulare Agreement and parcel 1 acres and less.

Mr. Fukuda reported on the Implementation Schedule and Vote Process. Mentioning a chosen 55-day ballot option and that the mailing and counting will be done by MK Elections (Approx. Cost \$12,000). Mr. Klinchuch described the Simple Majority Vote process.

Mr. Fukuda reported Outreach will include: Individual landowner meetings with top 10 landowners and Individual division workshops with Board members present.

Mr. Fukuda reaffirmed the district is seeking land-based assessment revenues to fund the following: (1) District Fixed Costs - General and Administration; (2) Water Supply; and (3) Capital Projects. The district will consider Engineer's Report at June Board Meeting, issue ballots, and count ballots at the August Board Meeting.

The Board of Directors affirmed moving forward with a \$140 maximum assessment rate implemented in a 5-year ramp up schedule and to apply the West US Consumer Price Index.

#### Engineering Report:

Update on Engineering Activities: Mr. Barroll provided an update on engineering activities highlighting several ongoing projects in the district that impacted District facilities. Mr. Barroll reported on the following three projects: (1) Packwood Creek/Stone Brook Bridge Project (2) Monterey Estate Storm Drain Project; and 3) Self-Help Enterprise Oldema and West Project.

#### Management Staff Report:

Sustainable Groundwater Management ACT (SGMA) Matters - Mr. Fukuda summarized recent activities concerning the Kaweah Subbasin. Reporting on the following: \$7.6 million SGMA Grant Award; 13 Projects; Potential CEQA Exemptions for Recharge Projects; and MKGSA Project - Cameron Creek Recharge Project.

#### Executive Order N-7-22:

Mr. Fukuda reported that Governor Newsom on March 28, 2022 signed and issued Executive Order N-7-22. Mr. Fukuda covered the following key issues: Groundwater Sustainability Agencies (GSAs) have been working with Tulare County to establish a standard format to address well permitting requirements, specifically Section 9a and 9b of the Executive Order.

Mr. Fukuda stated Public Agencies, Counties, and Entities with well permitting authority shall not: Issue a "New" well permit or well modification without verifying with GSA that the well extraction is consistent with the local Groundwater Sustainability Plan (GSP) and



would not decrease the likelihood of achieving groundwater sustainability; Shall not issue a permit without confirming the well is: 1) Not likely to interfere with the production or function of a local nearby well; and 2) Not likely to cause subsidence to interfere with or damage nearby infrastructure. Mr. Fukuda highlighted Rules do not apply to small domestic users and public water systems.

Next Mr. Fukuda covered the following 3 Options: 1. Signing off on 9a and 9b provisions assuming indemnification language provides protection; Option: 2. Sign off on 9a items and work on 9b items with the County of Tulare; and Option 3: Sign off on 9a items only and submit the form back to Tulare County. Mr. Fukuda highlighted the need to confirm the potential definition of "new" and "replacement". He also reported the need to ensure that the County provides confirmation of 9b items.

Mid-Kaweah Groundwater Sustainability Agency (MKGSA): Mr. Fukuda presented an update on the MKGSA. Mr. Fukuda updated and provided the Board with a draft MKGSA Emergency Ordinance report. Mr. Fukuda highlighted the following: MKGSA approved the Emergency Ordinance on April 19, 2022; Effective May 1, 2022; Notice has gone out to growers via media and a flyer; and the Water Dashboard should be available for early registration by mid-May. Then, Mr. Fukuda reaffirmed the Emergency Ordinance Timeline.

Kaweah Subbasin GSP Modifications: Next, Mr. Fukuda presented the Board with an update on the Kaweah Subbasin GSP Modifications. Mr. Fukuda reported the following: GSA's consultants and technical folks continue to meet weekly; Met with DWR on April 21, 2022 - Reporting no immediate red flags; Progress on Issues moving forward; Declining ground Water levels - Good progress; Subsidence - initial discussion and work to be done; Interconnected Surface Water - limited discussion and lack of progress is a concern. Next, Mr. Fukuda highlighted we are a few weeks behind schedule - continue to share concern over the speed of decision making.

Mr. Fukuda covered the Analysis Zones; Potential Criteria for Significant and Unreasonable Lowering of Groundwater. Mr. Fukuda reported Groundwater levels have fallen below the completed depth of at least 90% of all wells and the rate of groundwater level have declined more than historically experienced.

Friant Matters: Mr. Fukuda provided the Board with an update on Friant Matters. First Reporting on the FKC Middle Reach mentioning the project is moving forward and FWA has spent approximately 12% of the budget; Project items in the schedule are changing, but the overall schedule has not changed; Some changes and delays in roadway relocation work.

Then, Mr. Fukuda gave an update on the San Joaquin River Restoration Program (SJRRP) reporting Bill Luce - Good background into the Settlement of NRDCm et al vs. Rodgers, et al.; Don Portz - SJRRP Program Manager.

Next, Mr. Fukuda gave a detailed Historical report on SJRRP mentioning the following: From 2011 - 2016 the program concentrated on Fall Chinook; After 2016 they began the Spring Chinook; Started first brood stock in 2012 and released first 60,000 fish in 2014; April 2019 first salmon to return to the SJR, but through genetic testing they believe it also came back in 2017; and returns - 2019 (23), 2020 (57), 2021 (93), 2022 (10); Success is a return of 500 pairs.

Lastly, Mr. Fukuda reported FWA is now working on the Funding Constrained Framework - \$643 million. A lot of infrastructure must be built - Fish Ladder at Sack Dam \$42 million; Ranch 2B Improvements - \$337 million.

McKay Point Reservoir/Seaborn Reservoir - Mr. Fukuda provided the Board with an update on the McKay Point Reservoir/Seaborn Reservoir

Project. First Mr. Fukuda no update on the Seaborn Reservoir.

Then, Mr. Fukuda reported on McKay Point Reservoir. Mr. Fukuda reported the following: SESPE completed EIR Sections; Transmitting to Tulare County and will establish weekly calls to complete Environmental Impact Report (EIR).

Legislation - Mr. Fukuda provide a legislation update on AB2201 (Bennett). The Board discussed the merits of the bill. Mr. Fukuda highlighted AB2201 (Bennett) is the new well permitting piece of legislation recently amended on April 27<sup>th</sup>. Prohibits agencies (counties) from issuing well permits without first verifying with a GSA that the well and the extraction of water is consistent with a GSP. GSAs can charge agencies a fee; GSAs must post the well application on a website for 30-days for public comments; Does not apply to wells that provide less than 2 AF/acre or a public well.

General Manager Report:

General Manager Fukuda reported on the following: Attended ACWA - Several meeting with consultants and other key partners; 1) Attended two ACWA Committee meeting - Ag and Groundwater; 2) Friant Dinner - well attended by key legislators and decision makers. He noted that he participated in that Second 2023 Water Plan Update meeting reporting largely discussing climate change an impact to water supply. Then, Mr. Fukuda reported California Water Commission released the white paper on groundwater trading.

Matters for Consideration of Board Action:

Mr. Fukuda presented for Board review and consideration Cultivate California letter dated April 22, 2022 requesting continued financial support. Mr. Fukuda stated TID's 2021 contribution was in the amount of \$5,000 to Cultivate California. After a lengthy discussion on outreach marketing needs; social media; TID's budget; and possible contribution through FWA. By the motion of Director Martin and seconded by Director Borges, unanimously carried by all Directors present, Cultivate California contribution in the amount of \$5,000 was thereupon approved.

Resolution No. 22-07 - Consenting to County election for Division 1 and 2 - Mr. Fukuda presented the Board with information regarding the election process and upcoming election for Division 1 and 2. Resolution requesting and consenting to consolidation of election and forth the specifications of the election order. By a motion of Director Borges, seconded by Director Thomas and unanimously approved by all board members present. Resolution No. 22-07 was adopted as presented.

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 Borges reported attending the following meetings: Kaweah & St. Johns River Association (KSJRA) Board meeting on May 5<sup>th</sup> and the Kaweah Basin Water Quality Association (KBWQA) Board meeting on May 5<sup>th</sup>. He also reported attending the Kaweah Water Foundation meeting.

Director Martin reported attending the Mid-Kaweah GSA Board meeting held April 19<sup>th</sup>.

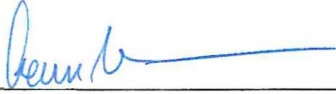
President Bixler moved the meeting to Close Session.

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,

President Bixler reported that no action was taken in closed session.

There being no other items to come before the Board of Directors, the meeting was then adjourned to June 14, 2022.

  
Secretary

  
President