

Durham Irrigation District Board of Directors
Board Meeting
May 17, 2023 - 5:30 PM (Rescheduled from May 16, 2023)

MINUTES

Board of Directors:

Matt Doyle, Chair
Raymond Cooper, Director
Kevin Phillips, Director

ABSENT
PRESENT
PRESENT

District Staff:

Mike Butler, Water Operator
Adam Daigle, Water Operator Assistant
Robin Kampmann, District Engineer
Dustin Cooper, Legal Counsel – VIA telephone
Nicole Johansson, Public Outreach Coord.
Jeannie Trizzino, Admin. Assistant

PRESENT
PRESENT
PRESENT
PRESENT
PRESENT
PRESENT

1 CALL TO ORDER

- 1.1 The meeting was called to order by Director Phillips at 5:35 pm.
Chair Doyle attended the meeting remotely via telephone, but because he was not physically present and his remote appearance was not properly agendized, he listened only and did not participate in the deliberation of or vote on any item. He was logged as absent from the meeting and on Board motions.
- 1.2 Introduction of Guests – Mr. Patrick Button

2 CLOSED SESSION – ANTICIPATED LITIGATION (Government Code §54956.9(d)(2) or (d)(3))

At 5:35 pm the Board adjourned to Closed Session and guests were asked to leave the meeting room.

- 2.1 Significant exposure to litigation; one potential case.

OPEN SESSION

At 5:45 pm the Board returned to Open Session and summarized the Closed Session as follows:

Direction given to legal counsel. No reportable actions were taken in closed session.

3 PUBLIC COMMENT

Mr. Button commented that the 2017 rate increase was implemented in part to cover new construction and to increase connection fees, but the District never did so and also never implemented a fire flow/fire suppression fee.

4 PRESENTATIONS – NONE

5 CONSENT AGENDA

- 5.1 Monthly Financial Report for April 2023, including:
 - 5.1.1 * Balance Sheet
 - 5.1.2 * Profit & Loss Statement
 - 5.1.3 * Previous Year Comparison
 - 5.1.4 * General Ledger
 - 5.1.5 * Board Recap, Water Sales and AR Aging Report
- 5.2 * Approval of the Warrant Sheet from April 18, 2023 to May 15, 2023, including payments, deposits, and transaction adjustments.

- 5.3 * Approval of the minutes for the April 18, 2023 **Regular** Board Meeting.

Motion: *That the Board consider and approve the consent agenda.*
Board Discussion: *None.*
Public Comment: *None.*
Action Taken: *On a motion made by Cooper and seconded by Phillips, the Board approved the motion.*
Vote results *Ayes carried.*
Ayes: *Cooper, Phillips*
Noes:
Abstained:
Absent: *Doyle*

6 REGULAR AGENDA

- 6.1 Items Removed from Consent Agenda - NONE

7 CORRESPONDENCE

- 7.1 * 2022 Consumer Confidence Report – for information only

8 WATER OPERATIONS BUSINESS

- 8.1 Ongoing/New Business
8.2 * Review of Water Operator Log for April 2023 (Operator Mike Butler)
8.3 * Monthly Work Order Status Report through May 15, 2023

Discussion: *Water Operator summarized repairs and activities for the prior month, in particular noting that there is an ongoing effort to determine the active service lines at 2404 Durham Dayton Highway. He notes that there is a possibility that one of the identified service lines will need to be abandoned. He also reported on a leak at the southeast corner of the Durham-Dayton Highway and Midway intersection, a pipeline installed by Brown Engineering some years ago.*

Public Comment: *NONE.*

9 GENERAL BUSINESS

- 9.1 District Activities and Status Report from District Engineer.
9.1.1 Capital Improvement Plan Update
9.1.2 District Funding Options Update
9.1.3 Update: USBR Grant Funded Meter Replacement and Lead Service Laterals Assessment Project
9.1.4 Update: Easement Agreement between DID and DUSD for connections along east side of Durham Dayton Highway.

Discussion: *Chair Doyle will follow up DUSD (Durham Unified School District) board president.*

Public Comment: *NONE.*

- 9.1.5 * Domestic Well Agreement between DID and Kyle and Shanna Brock
Action Requested: Board approval of Well Agreement under which DID would not object to Brock seeking other authorizations and permits to construct a

groundwater well for limited/emergency use on the Brock property under DID's boundaries.

Discussion: *The District will neither oppose nor oppose this project. The matter will be dropped from further Board discussion.*

Public Comment: *NONE.*

9.2 Development Projects. Review status of development projects' activities.

9.2.1 No development project updates.

Discussion: *District Engineer reports that the Keeney Development is proceeding, and that legal counsel will be required to review the draft water service agreement and negotiate with the developer on changes. District Engineer notes that a deposit of \$10,000 will be required from the developer to initiate these steps.*

Public Comment: *NONE.*

9.3 * Request for Proposal – Legal Services – proposals due by May 30, 2023

Discussion: *Staff reports that three firms have indicated that they intend to submit proposals. Nicole Johansson comments that she will forward the RFP to a few other qualified firms.*

Public Comment: *NONE.*

9.4 * Memorandum to Board (05.10.2023) Interim District Fiscal Officer

Discussion: *Staff instructed to continue discussion on this matter to the next board meeting.*

Public Comment: *NONE.*

9.5 * Regional Government Services Agreement (04.26.2023) EDD

Motion: *That the Board approve the not-to-exceed agreement for \$5,000 with Regional Government Services to resolve ongoing EDD and payroll issues for the District.*

Board Discussion: *Staff explained that Regional Government Services (RGS) can assist with ongoing EDD issue. Director Phillips commented that RGS is qualified to assist. Staff commented further that RGS will also provide pricing for payroll services.*

Public Comment: *None.*

Action Taken: *On a motion made by Phillips and seconded by Cooper, the Board approved the motion.*

Vote results *Ayes carried.*

Ayes: *Cooper, Phillips*

Noes:

Abstained:

Absent: *Doyle*

9.6 Update on Accounts Receivable Status.

Discussion: *Staff reports correspondence to delinquent accounts was sent on May 16, 2023 in preparation for placing lien on accounts that remain delinquent.*

Public Comment: *NONE.*

9.7 Policy and Procedure Manual Updates.

9.7.1 Introduction (Doyle)

9.7.2 Water Rates, Operating fees, and Billing Procedure (Phillips)

10 ATTORNEY REPORT

- 10.1 Updates from Legal Counsel not discussed under other Agenda Items
See Closed Session Items in Section 13.
- 10.2 Updates on Vina GSA Fee allocation

11 VINA GSA

(All Items Informational/Possible Action/Direction)

See Vina GSA Calendar online here: <https://www.vinagsa.org/calendar>

- 11.1 Vina GSA SHAC Meetings
- 11.2 Vina GSA Board Meetings
- 11.3 Vina GSA/RCRD GSA Board Meetings

Board Discussion: *Director Cooper, who represents Durham Irrigation District as a Member Agency Director for Vina GSA, reports that Vina GSA is discussing fee structures to fund its activities and what legal process to use to implement the fee structure once that is decided (e.g., Proposition 218). Vina GSA is convening a special board meeting on May 18, 2023 to further discuss and resolve the matter.*

Director Cooper commented that he had a schedule conflict and would be unable to attend the June 14, 2023 Vina GSA Special Workshop. Chair Doyle will attend in his place.

Public Comment: *None.*

12 DIRECTORS' COMMENTS:

Board Discussion: *Director Cooper thanked Water Operator Mike Butler, Sierra Water Utility, for his good work on behalf of the District.*

Public Comment: *None.*

13 CLOSED SESSION – NONE

- 13.1 Conference with counsel on litigation in the matter of *AquAlliance, et al. v. Vina GSA, et al.*

Board Discussion: *General Counsel Carter reported in open session that at the April case management conference the matter was continued to the next case management conference scheduled for September 20, 2023.*

Public Comment: *None.*

14 ADJOURNMENT

Meeting adjourned at 6:20 pm.