



**Durham Irrigation District Board of Directors
Board Meeting
January 18, 2023 - 5:30 PM
(Rescheduled from January 17, 2023)
MINUTES**

Board of Directors:

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

District Staff:

Mark Adams, District Engineer
Mike Butler, Water Operator – arrived at 6:00 pm
Dustin Cooper, District Special Counsel – VIA
telephone for Agenda Item 2 only; left the
meeting at 5:55 pm.
Jeff Carter, District Counsel – arrived at 6:00 pm
Jeannie Trizzino, Administrative Assistant
Kamie Loeser, Director, Butte County Water and
Resource Conservation

1 CALL TO ORDER

- 1.1 Meeting was called to order by Chair Doyle at 5:30 pm.
- 1.2 Introduction of Guests – Mr. Patrick Button

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

After reading the title of the agenda item, Chair Doyle opened the floor for public comment on Item 2 only.

When asked by Director Phillips, Mr. Button noted that his planned comment was not related to Agenda Item 2. The substance of his comment is summarized below under Agenda item 3 – Public Comment on Items Not Listed on the Agenda.

At 5:32 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 5:55 pm the Board returned to Open Session and summarized the Closed Session as follows:

Direction given to legal counsel.

Introduction of Guests

Patrick Button – returned to the meeting room
Kamie Loeser, Director, Butte County Water and Resource Conservation
Jeff Carter, District Counsel

3 PUBLIC COMMENT

Mr. Button made a general comment on the impact of the recent rains making access to District meters difficult for the District's \$100/hr meter reader. He suggested that the District alert customer to be proactive and ensure easy access to meter by clearing away mud.



Upon resumption of Open Session, Mr. Button made the additional comment that he is a rate payer advocate, not a developer advocate.

4 PRESENTATIONS

All Items Informational/Possible Action

- 4.1 SGMA Update – Kamie Loeser, Director Department of Water and Resource Conservation, Butte County (oral report only)

Director Loeser gave an update on the projects that were submitted by Vina GSA under the SGMA grant application. After the meeting she supplied the District with a summary of the information she presented to the Board. A PDF of that information was posted to the District website under the meeting materials for the board meeting. She expects Department of Water Resources (DWR) will announce preliminary list of awards in June 2023, announce final awards in July 2023, and issue contracts in Fall 2023. Vina GSA will move forward on developing a management and funding plan for the agency as it transitions from management by county staff. Chair Doyle made the comment that many, but not all, District customers are de minimis users that use less than <2 acre-feet of water per year. and that should be taken in to consideration as Vina GSA moves forward on its funding plan.

Mr. Button asked about the status of Butte County’s hydrologic model; Director Loeser noted that information from the model was used to develop the Vina GSA Groundwater Sustainability Plan (GSP). She commented further that funding for updating the model was part of the projects submitted for under the SGMA grant application.

More information on Vina GSA meetings and reports can be found at www.vinagsa.org.

5 CONSENT AGENDA

Action Requested: That the Board of Directors approve the following Consent Agenda items.

- 5.1 Monthly Financial Report for December 2022, 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 December 20, 2022 to January 16, 2023, including payments, deposits, and transaction adjustments.
- 5.3 * Approval of the minutes for the December 20, 2022 and December 21, 2021 **Regular** Board Meetings.
- 5.4 * Approval of the minutes for the December 9, 2022 **Special** Board Meeting and Capital Improvement Workshop.

Motion: *That the Board consider and approve the consent agenda.*
Board Discussion: *None.*
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, Doyle, Phillips*



Noes:

Abstained:

Absent:

6 REGULAR AGENDA

- 6.1 Items Removed from Consent Agenda – NONE.

7 CORRESPONDENCE

- 7.1 * Ltr. from Button (01.12.2023) request for documents

8 WATER OPERATIONS BUSINESS

- 8.1 Ongoing/New Business
All Items Informational/Possible Action/Direction
- 8.2 * Review of Water Operator Log for December 2022 (Operator Mike Butler)
- 8.3 * Monthly Work Order Status Report through January 12, 2023

Discussion: *Water Operator reported workload was steady, but light compared to other months.*

Water Operator reported that he was able to identify and stop unauthorized water hauling from Well 5. Directors commented that the District policy is that it does not sell water to non-customers, save in exceptional circumstances.

Fence installation at Library site is awaiting clear weather for construction.

Public Comment: *NONE.*

9 GENERAL BUSINESS

- 9.1 District Activities and Status Report from District Engineer.
(All Items Informational/Possible Action/Direction)
- 9.1.1 Status Updates and Activities Not Requiring Board Action
- 9.1.1.1 Project Update: Bid Package for the Brown/Faber Alley Main Line Replacement Project.
- 9.1.1.2 *Capital Improvement Plan Update.
- 9.1.2 Project Update: USBR Grant and Lead Service Laterals Replacement Projects and Timeline.
Action Requested: Update from District Engineer and staff on status of grant.
- 9.1.3 Easement Agreement between DID and DUSD for connections along east side of Durham Dayton Highway.
Action Requested: Status update from District Counsel or District Engineer on draft letter agreement.

Discussion: *District Engineer reports no update on Brown/Faber project, CIP Update project is being refined with consultant Jacques DeBra, Luhdorff & Scalmanini. He would like direction from Board on refining CIP project phasing to enhance funding options at a future meeting.*

On Item 9.1.2 USBR Grant – District is awaiting extension confirmation from USBR Contract Manager.



On Item 9.1.3 – Durham Unified School District (DUSD) easement. Counsel Carter notes that the easement documents are awaiting final review by District Engineer. District Counsel will be responsible for communicating with DUSD.

Public Comment: NONE.

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

9.2.1 No development project updates.

9.3 Annual Audit status – 2020 Audit in progress

9.4 Memorandum to Board

9.4.1 Regarding Acct 684 – 2469 Tracy Ranch Road.

Action Requested: Response to owner following discussion at previous board meetings.

9.5 Update on Accounts Receivable Status.

Discussion: *Staff reviewed AR report and notes that a large number of customer payments were applied after the AR report was prepared, so total AR amount is somewhat lower. Chair Doyle directs staff to plan to issue notify customers of liens in June 2023, with all required notifications in place by June 2023.*

Public Comment: NONE.

9.6 Drought Planning for Small Water Suppliers and Rural Communities required under SB 552.

Discussion: *Staff confirmed that the District is now a member of the CalWARN mutual aid system, one of the expected requirements of Small Water Suppliers. Directors asked that this item be removed from the agenda unless further state or county-level Drought Planning requirements arise.*

Public Comment: NONE.

9.7 Policy and Procedure Manual Updates.

9.7.1 Introduction (Doyle)

Discussion: *Tabled for a future Board meeting and cross-checking of facts and dates by District Counsel.*

Public Comment: NONE.

9.7.2 Water Service (Phillips)

Motion: *That the Board consider and approve the District Water Service Policy, with two amendments to Section 6 and Section 6.6 as noted in Board Discussion and finalized by District Engineer.*

Board Discussion: *Director Cooper asked for clarification or revision on elements of the draft policy, specifically amending sections relating to:*

- 1. Section 6 – address conflicts of meaning within the document itself*
- 2. Section 6.6 - District liability for damage to customer property resulting from emergency water shut-offs.*

Board directed District Engineer will make these board-approved edits to the policy and transmit to staff for finalizing and posting.

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, Doyle, Phillips*
Noes:
Abstained:
Absent:

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

Discussion: *Tabled for a future Board meeting.*

Public Comment: *NONE.*

10 ATTORNEY REPORT

10.1 Updates from Legal Counsel not discussed under other Agenda Items

10.2 Updates on Vina GSA Fee allocation

Matter discussed in Director Loeser’s presentation – Agenda Item 4.1 – SGMA Updates.

11 VINA GSA

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

Discussion: *Director Cooper noted that Vina GSA did not meet in January 2023, so there is no update.*

12 DIRECTORS’ COMMENTS:

13 CLOSED SESSION – NONE

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

Discussion: *District Counsel Carter reported in open session that there have been no new developments in the ongoing litigation and no resolution.*

Mr. Button commented t

Discussion: *District Counsel Carter reported in open session that there have been no new developments in the ongoing litigation and no resolution.*

Public Comment: *Mr. Button asked for clarification on resolutions or other actions taken relating to closed session item/s.*

None.

Director Phillips commented that no action was taken.

Action Taken: *No action taken.*

14 ADJOURNMENT

The meeting adjourned at 7:00 pm.