



**Durham Irrigation District Board of Directors  
Board Meeting  
September 19, 2023 - 5:30 PM  
MINUTES**

**Board of Directors:**

**District Staff:**

Matt Doyle, Chair	PRESENT	Mark Adams, District Engineer	PRESENT
Raymond Cooper, Director	PRESENT	Amanda Uhrhammer, Legal Counsel – VIA telephone	PRESENT
Kevin Phillips, Director	PRESENT	Mike Butler, Water Operator	PRESENT
		Adam Daigle, Assistant Water Operator	PRESENT
		Nicole Johansson, Public Outreach Coord.	PRESENT
		Jeannie Trizzino, Admin. Assistant	PRESENT

**1 CALL TO ORDER**

- 1.1 The meeting was called to order at 5:30 pm by Chair Doyle.
- 1.2 Introduction of Guests – Ms. Sandra Atteberry, Ms. Kathy Azevedo (5:43 pm), Mr. Patrick Button, and Mr. Derek Sohnrey.

**2 PUBLIC COMMENT**

Mr. Button commented that the state constitution is specific on how property-related fees may be spent only on operations, maintenance, and limited improvements. He commented that fire flow requirements related to new construction are covered by other districts with a separate fire flow fee, which Durham Irrigation District does not do. He further comments that District ratepayers pay for what they use and not for building out the District's infrastructure. He also comments that new growth should bear its own connection fees and that the District did not raise its connection fees. He additionally comments that the cost of maintenance does not include district engineering services.

**3 PRESENTATIONS – NONE.**

**4 CONSENT AGENDA**

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

- 4.1 Monthly Financial Report for August 2023, including:
  - 4.1.1 \* Balance Sheet
  - 4.1.2 \* Profit & Loss Statement
  - 4.1.3 \* Previous Year Comparison
  - 4.1.4 \* General Ledger
  - 4.1.5 \* Board Recap, Water Sales and AR Aging Report
- 4.2 \* Approval of the Warrant Sheet from August 18, 2023 to September 14, 2023, including payments, deposits, and transaction adjustments.
- 4.3 \* Approval of the Minutes for the July 18, 2023, August 22, 2023 Regular Board Meetings, and September 11, 2023 Special Board Meeting.

- 4.4 Settlement of Claim with Jeff Carter / Carter Law Office. General terms: settlement of all claims in exchange for \$118,171.50.

**Motion:** *That the Board move Item 4.4 to the regular agenda for discussion and after doing so that the Board approve Items 4.1 – 4.3 of the consent agenda.*

**Board Discussion:** *Director Phillips asked for Item 4.4 to be moved to the regular agenda for discussion.*

**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:** *None*

**Abstained:** *None*

**Absent:** *None*

## 5 REGULAR AGENDA

- 5.1 Items Removed from Consent Agenda

- 5.1.1 \* Settlement of Claim with Jeff Carter / Carter Law Office. General terms: settlement of all claims in exchange for \$118,171.50.

**Motion:** *That the Board approve the settlement of claim with Jeff Carter / Carter Law Office and directed that staff provide a copy of the settlement agreement to Mr. Button and to Ms. Azevedo after staff consults with Special Counsel Dustin Cooper.*

**Board Discussion:** *Phillips asked counsel to comment on the item. Chair Doyle states that the District settled all claims with Jeff Carter / Carter Law Office for the amount specified with no further comment.*

**Public Comment:** *Mr. Button asked whether the settlement was related to malpractice. Counsel commented that the matter involved a dispute with Carter, and that Mr. Button could review the agreement.*

**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:** *None*

**Abstained:** *None*

**Absent:** *None*

## 6 CORRESPONDENCE

All Items Informational/Possible Action/Direction

- 6.1 NONE

## 7 GENERAL BUSINESS

- 7.1 District Activities and Status Report from District Engineer.  
(All Items Informational/Possible Action/Direction)

- 7.1.1 Capital Improvement Plan Update  
7.1.2 District Funding Options Update

**Discussion:**

*On items 7.1.1 and 7.1.2 - District Engineer Mark Adams reported that he would be meeting with Jacques DeBra of Luhdorff Scalmanini Consulting Engineers to discuss the process for Capital Improvement Plan (CIP) finalization and funding options. He anticipated a board consideration at the October and November 2023 board meetings. District Engineer Adams commented that he had Walberg Construction review the pricing in the revised CIP and that Walberg found the pricing to be accurate. The list of needed improvements had no significant additions.  
Staff to reserve the Durham Memorial Hall for the next board meeting, to allow for greater public participation.*

**Public Comment:**

*NONE.*

- 7.1.3 Update: USBR Grant-Funded Meter Replacement and Lead Service Laterals Assessment Project

**Discussion:**

*District Engineer Mark Adams reported that the project was in progress and that staff coordinate with District Engineer Robin Kampmann (project manager for USBR Meter Replacement) to ensure project was listed with the state Department of Industrial Relations. Water Operator Mike Butler reported that most, but not all, of the needed parts were on hand, but would be in hand by the time the project started.*

**Public Comment:**

*Mr. Button asked whether the new meters would be "smart meter." The water operator confirmed that they would be smart meters – meaning readable by scanner instead of visually.*

- 7.1.4 Update: Easement Agreement between DID and DUSD for connections along east side of Durham Dayton Highway.  
See Item 9 – Attorney Report

- 7.2 Development Projects. Review status of development projects' activities.

- 7.2.1 Creekside Estates (aka Keeney Development)

**Discussion:**

*Counsel Uhrhammer reported that the Service Agreement for Creekside Estates was under review by District Engineer Kampmann.*

**Public Comment:**

*None.*

- 7.2.2 Butte County Farm Bureau – 9412 Jones Avenue

**Discussion:**

*District Engineer reported that Butte County approved the requested parcel splits and that the District did not request an extended District service line on Jones Avenue. Phillips asked where the connection would be for the BCFB parcel, which District Engineer clarified would be on Durham-Dayton Highway.*

**Public Comment:**

*None.*

7.3 Annual Audit 2021

**Motion:** *That the Board accept the 2021 Annual Audit after the audit firm makes a correction on p. 8 to remove a reference to “Tehama County” and replace it with “Butte County.”*

**Board Discussion:** *Director Phillips said that the audit looked good and had no changes. Director Cooper noted a typo on p. 8 of the audit where the text referenced “Tehama County.”*

**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:** *None*

**Abstained:** *None*

**Absent:** *None*

7.4 Interim District Fiscal Officer

**Discussion:** *Counsel Uhrhammer will provide a job description for a District Fiscal Officer for review and advised that the matter be continued to the next board meeting.*

**Public Comment:** *None.*

7.5 Policy and Procedure Manual Updates.

7.5.1 Introduction (Doyle)

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

7.6 Community Advisory Committee Structure.

**Discussion:** *Counsel will provide feedback at a subsequent board meeting but notes that a committee of this nature should be addressed in the District bylaws, which cannot be located. Staff continues to search for them in the District’s physical archives. Director Phillips asks whether there will be a change in the board’s makeup. Director Doyle comments that the Board should wait for an update from Counsel. Counsel clarifies that whether an advisory committee would be subject to Brown Act notification and reporting requirements would depend on its formation and members.*

**Public Comment:** *Ms. Azevedo asks for clarification on the standing of the District. Director Phillips explains that as a Special District organized under California Irrigation District law, Durham Irrigation District is ultimately under state jurisdiction, not local jurisdiction from Butte County.*

## 8 WATER OPERATIONS BUSINESS

8.1 Ongoing/New Business  
All Items Informational/Possible Action/Direction

8.2 \* Review of Water Operator Log for August 2023 (Operator Mike Butler)

**Discussion:** *Water Operator summarizes activities from August 2023 report. He will provide an updated rate sheet for his firm's services at the October board meeting as he now has additional equipment to help him perform tasks that previously needed to be subcontracted out, commenting that his firm now has a vac truck, which will make performing repairs much quicker.*

**Public Comment:** *Ms. Azevedo asks for a 'ride-along' with Water Operator and a District Tour. Directors ask Nicole Johansson to coordinate this.*

8.3 \* Monthly Work Order Status Report through September 15, 2023

## 9 ATTORNEY REPORT

9.1 Updates from Legal Counsel not discussed under other Agenda Items

**Discussion:** *Counsel will contact Durham Unified School District to finalize easement agreement.  
Counsel will further research Fiscal Officer role, suggesting that it might be a separate position of Director of Finance as an additional employee, but possibly a director.  
On Item 7.2.1 – staff is directed to prepare a Creekside Estates development cost summary for review.*

**Public Comment:** *Ms. Azevedo asks for a 'ride-along' with Water Operator and a District Tour. Directors ask Nicole Johansson to coordinate this.*

## 10 VINA GSA

(All Items Informational/Possible Action/Direction)

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

- 10.1 Vina GSA SHAC Meetings
- 10.2 Vina GSA Board Meetings
- 10.3 Vina GSA/RCRD GSA Board Meetings

**Discussion:** *Director Cooper comments that there are no updates on Vina GSA.*

**Public Comment:** *None.*

## 11 DIRECTORS' COMMENTS:

*Director Phillips thanks Director Cooper for his continuing participation and time as a Vina GSA Director on behalf of Durham Irrigation District.*

## 12 ADJOURNMENT

**The meeting adjourned at 6:25 pm.**

The next Regular Board Meeting is scheduled for October 17, 2023 at the Durham Memorial Hall.