



**Durham Irrigation District Board of Directors
Board Meeting
February 21, 2023 - 5:30 PM
MINUTES**

Board of Directors:

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

District Staff:

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
Nicole Johansson, Public Outreach Coordinator

1 CALL TO ORDER

- 1.1 Meeting was called to order by Chair Doyle at 5:34 pm.
- 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 5:50 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 - NONE

4 PRESENTATIONS - NONE

5 CONSENT AGENDA

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

- 5.1 Monthly Financial Report for January 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 January 17, 2023 to February 20, 2023, including payments, deposits, and transaction adjustments.
- 5.3 * Approval of the minutes for the January 18, 2023 and November 19, 2021 **Regular** Board Meetings.

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

7 CORRESPONDENCE

All Items Informational/Possible Action/Direction

- 7.1 * Ltr. from Button (01.18.2023) public records request
- 7.2 * Ltr. from Button (01.30.2023) public records request
- 7.3 * Ltr. to Button from Counsel (02.01.2023) response to request for documents
- 7.4 * Ltr. from Button to Counsel (02.16.2023) public records request
- 7.5 * Ltr. from SDRMA (01.26.2023) premium estimate
- 7.6 * Ltr. from SDRMA (01.18.2023) notification of nominations – FYI only
- 7.7 * Ltr. from Butte County Office of Emergency Mgmt (01.23.2023) Hazard Mitigation

Discussion: *Director Doyle confirmed that he had signed the letter confirming the District’s intent to work with the Butte County Office of Emergency Management on updating the county’s hazard mitigation plan. Director Phillips commented that the District had created a thorough plan about five years ago and should not need to be changed too much.*

Public Comment: *NONE.*

- 7.8 * Joint Association Letter to EPA on Cybersecurity (01.25.2023) – FYI only
- 7.9 * Ltr. to AQMD (01.17.2023) permit renewal for backup generators – FYI only
- 7.10 * Ltr. from CSDA (01.30.2023) CSDA BOD nominations – FYI only
- 7.11 * Ltr. from Cal OES (02.08.2023) State Hazard Mitigation Plan update for review – FYI only
- 7.12 * NCWA Annual Meeting Announcement (03.03.2023) – FYI only

8 WATER OPERATIONS BUSINESS

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

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

Discussion: *Water Operator reported on improvements he intended to make on the seal at the alley site to reduce sediment/sand intrusion into the system which should improve performance.*
Completed work orders as noted in his daily log. He patched a leak on the Brown-Faber line that was near a previous repair. Director Cooper suggested that the water operator check on a possible leak in the Almendra area.
Fence installation at Library site is awaiting clear weather for construction.
Water Operator asked District Engineer to identify a safe location for delivery of the SCADA monitoring equipment under the USBR Grant project. (See also Item 9.1.2.)

Water Operator arranged for backflow testing in February 2023. Director Doyle asked whether the District was proactively requiring backflow devices to be installed. Water Operator suggests that previous board direction indicated requiring commercial/business accounts to install backflow devices.

Directors directed staff to bill customers for backflow testing and additional repairs where needed. If customer wishes to perform test themselves and not be billed by the District, they can do so.

Water Operator reports that he will have additional staff at his business who will be a certified D2 Operator.

Public Comment: NONE.

8.3 * Monthly Work Order Status Report through February 15, 2023

8.3.1 * Work Order 111 - Acct 933 - 9387 Holland Avenue (10.13.2021)

Discussion: *Director Cooper asked for clarification on what the owner requested from the District regarding the installation of the District meter on his property. Staff confirmed that District had received nothing in writing from the owner, but that the customer had strongly demanded that he receive advance notice of District staff entering his property, including to read the meter. The Water Operator reports that the owner verbally requested that the meter be moved back within the 30' county easement. The District recently installed a meter on this property on the District's service line, beyond the standard 30' right of way due to the owner's landscaping. District Engineer notes that the lots in that portion of the District were created years ago, probably by deed. There is no map on them, and consequently no Public Utility Easement (PUE) as is common in newer subdivisions and lots. The meter was installed avoid the need to remove the owner's landscaping as a convenience to both the owner and the District, which the Water Operator explained to the owner. The Board decided to await further communication from the owner in writing. Water Operator will text owner in advance of future meter readings.*

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.

Discussion: *District Engineer reports no update, awaiting finalization of CIP list.*

Public Comment: NONE.

9.1.1.2 Capital Improvement Plan Update.

Discussion: *District Engineer reports no update, await report from funding consultant at March or April board meeting.*

Public Comment: NONE.

- 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.
* Grant extension 02 was finalized included in agenda packet for review. Project completion date of 12/31/2023.

Discussion:

Kickoff meeting in the following week to develop draft schedule, especially for installation of XIO SCADA system. District Engineer intends to install meters at sites where there are unmetered connections and where District service lines are of unknown type. This will allow the District to complete the required lead service line assessments. District Engineer will coordinate commencement of required cultural assessment.

Public Comment:

Mr. Button asked whether the District intended to install meters at Durham Commons. District Engineer reports that there is no plan to do that. Water Operator clarifies that at Goodspeed Commons there is a meter for each unit, but the meter usage is totaled up for the entire lot.

Mr. Button further adds that some flat rate customers at other districts learn that they have leaks upon installation of a meter, which helps the customer learn about and repair the leaks in their household and urges the District to do the same.

Water Operator reports that the new ultrasonic meters that he is installing report water usage more accurately than the older 'flywheel' type of meters. Director Phillips notes that when meters fail, they tend to under-register usage, which is lost revenue for the District. They rarely fail and over-register water usage.

- 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 Counsel Carter prepared the easement agreement and transmitted to Durham Unified School District.

Public Comment:

None.

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

- 9.2.1 No development project updates.

- 9.3 * Butte County Special District Association Call for Nominations

Action Requested: Discuss and advise staff if District will nominate Special District Regular Enterprise Member to the Butte County Special District Association (BCSDA) and if there are any changes to the BCSDA contact roster.

Discussion:

The Board has no nominations.

Public Comment:

None.

- 9.4 Annual Audit 2020.

9.4.1 * 2020 Draft Audit

Action Requested: Discuss and approve 2020 Draft Audit.

Motion:

That the Board adopt the 2020 Audited Financial Statements and authorize Chair Doyle to sign the representation letter.

Board Discussion:

Director Phillips reviewed the draft audit and noted that there were no findings of significance and no issues. He also commented that the numbers looked within expected range.

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:

9.4.2 * MHW CPA 2020 Audit Representation Letter (unexecuted)

Action Requested: Review and sign representation letter, which confirms the representations and conditions under which the CPA prepared the 2020 audit. After the letter is signed, the District will receive the finalized 2020 Annual Audit.

Discussion:

This letter was reviewed and approved for signature under Item 9.4.1.

Public Comment:

None.

9.5 Memorandum to Board

9.5.1 Regarding Acct 684 – 2469 Tracy Ranch Road.

9.5.2 Memorandum to Board (02.15.2023) Staff Vacation

Discussion:

Directors agree to the staff vacation, and plan for the bills to be delayed until the first week in July 2023 with an extended due date. The meter readings will still be taken on a timely manner. Board will consider cancelling June board meeting at the May board meeting.

Public Comment:

None.

9.6 Update on Accounts Receivable Status.

Discussion:

Staff reports that District will plan to go through the lien process for all overdue accounts.

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

Discussion:

District Counsel Carter updated board on changes to regulations surrounding virtual meetings. Virtual meetings are permitted, but if there is a breakdown in teleconferencing for remote attendees, the meeting must be cancelled.

Public Comment:

None.

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

Presentation from February 8, 2023 Vina GSA Board meeting included in agenda packet.

* Vina GSA Board Presentation (02.08.2023) Vina GSA Governance and Funding

11.3 Vina GSA/RCRD GSA Board Meetings

12 DIRECTORS' COMMENTS – NONE

13 CLOSED SESSION – NONE

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

14 ADJOURNMENT

The meeting adjourned at 6:41 pm.