



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

Board of Directors:

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

District Staff:

Mike Butler, Water Operator
Jeannie Trizzino, Administrative Assistant
Robin Kampmann, District Engineer
Jeff Carter, District Counsel – arrived at 5:45 pm
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. Derek Sohnrey, Ms. Catherine Bailey

2 CLOSED SESSION – ANTICIPATED LITIGATION (Government Code §54956.9(d)(2) or (d)(3)) - NONE

- 2.1 Significant exposure to litigation; one potential case.

3 PUBLIC COMMENT – public comment was reopened at 6:10 pm

Discussion:

Ms. Bailey asked for the issue that she raised before the board in April 2022 to be reopened. She requests a look backwards on her overbilling and consideration of a refund of past bills paid. Director Phillips and District Engineer request that water operator turn off the customer's meter for a month and to see if anyone else notices an interruption in water service. Both Director Phillips and District Engineer suspect that there may be a cross-connection to a neighbor. Director Cooper suggests that she install a valve on her side of the meter. Director Phillips confirmed that if the problem is solved, the District will rectify the situation. Water Operator turned off the water to the account shortly after conclusion of the board meeting. (See also Agenda Packet April 2022 - Item 6.1)

Public Comment:

None.

Action Taken:

Minutes removed from Consent Agenda. Staff to prepare minutes and present for approval at February 2022 Board meeting.

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 February 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 February 21, 2023 to March 20, 2023, including payments, deposits, and transaction adjustments.
- 5.3 * Approval of the minutes for the February 21, 2023 and October 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

- 7.1 * Ltr. from MHW (02.21.2023) 2020 Audit findings
- 7.2 * Ltr. from Owner (03.06.2023) Prop 218 Protest
- 7.3 * Ltr. from Congressman LaMalfa (03.16.2023) wildland fire

Discussion: *Request from Congressman LaMalfa to provide a letter of support for HR 1586, the Forest Protection and Wildland Firefighter Safety Act of 2023 which would create a Clean Water Act exemption for firefighting agencies to use fire retardant to fight wildland fires.*

Public Comment: *None.*

Action Taken: *Directors asked staff to try and prepare a letter in support of Congressman LaMalfa's legislation if time permitted. Staff delegated to sign on behalf of District.*

8 WATER OPERATIONS BUSINESS

- 8.1 Ongoing/New Business
- 8.2 * Review of Water Operator Log for February 2023 (Operator Mike Butler)

Discussion: *Water Operator reported that he installed several meters and patched a leak on the Brown Faber line during the meter installation. He is coordinating with XiO on SCADA installation. He will plan to replace a 60-year-old handwheel valve at Goodspeed and Florida is leaking and will need to be replaced. He will replace the single valve with a flanged T with three valves, which enables him to isolate affected areas for future repairs. The estimated cost for this unbudgeted repair is \$8,000-\$10,000, which comes to approximately \$22/year per customer to replace that valve, which the directors pointed out erodes the ability of the District to build up a reserve for major replacement work. Water Operator continues to work through the work order report. The fence at the Library site was completed in March 2023.*

Public Comment:

Mr. Sohnrey asked whether the District could charge customers a capital investment fee to cover CIP work. Director Phillips commented that it was an option that the District had considered, but had not implemented. In response to a guest question about whether tenants or owners were required to cover these costs. Director Phillips explained that owners were responsible for their bills in the District, because it is a land owner requirement. If a tenant leaves a bill unpaid, the owner is responsible for the amount owed. In the recent Proposition 218 protest ballot, either tenants or owners could submit a protest ballot.

8.3 * Monthly Work Order Status Report through March 14, 2023

9 GENERAL BUSINESS

9.1 District Activities and Status Report from District Engineer.

9.1.1 Status Updates and Activities Not Requiring Board Action

9.1.1.1 Capital Improvement Plan Update.

Discussion:

District Engineer had no update.

Public Comment:

NONE.

9.1.2 * Project Update: USBR Grant-Funded Lead Service Laterals Replacement Project Action Requested: Board approval of USBR Project Draft Budget (03.09.2023).

Motion:

That the Board consider and approve a not-to-exceed budget of \$170,000 for the USBR Grant-Funded Lead Service Laterals Replacement Project.

Discussion:

District Engineer updated the Board on the XiO SCADA and meter budgets. She noted that the plan was to have the SCADA and meters on hand before the project is put out to bid to a select number of contractors, likely three. The project appears likely to be completed within the estimated budget, with construction completed in August.

Director Doyle summarized the terms of the USBR grant for the guests, noting that the grant will provide 50% of the costs for installation of a SCADA system and 43 meters for the District, which will enable the District to monitor how much the District is pumping and how much it is selling, which will enable the District to meet state requirements.

Additionally, the District will be required to identify all lead service lines by 2024 and the District will take the opportunity to install meters in areas of the community where the composition of service lines is unknown. The meters will be installed in areas of the community with older lines, with priority of converting flat rate commercial and multi-dwelling connections first. The District Engineer is in progress developing the customer policy for this installation.

The District Engineer reported that the current cost of the project exceeds the original budget submitted at the time of the grant award because prices have gone up since, so the updated project budget needs board approval. In the



attached budget summary, this is represented by the Actual v. Budget columns and shows a difference of approximately \$6K.

Director Phillips recommended that new meter installations include a customer-side shut-off valve so that the customer can turn off their own water without touching the District's meter.

At this time, the District Engineer requested approval by the board of the Project Budget Summary and schedule for the project.

Public Comment:

Mr. Sohnrey asked how the District will choose which connections will receive a new meter. Another guest asked how much notification will be given to homeowners.

Action Taken:

On a motion made by Cooper and seconded by Phillips, the Board approved the motion.

Vote results

Ayes carried.

Ayes:

Cooper, Doyle, Phillips

Noes:

Abstained:

Absent:

- 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 letter agreement.

Motion:

That the Board approve the Easement Agreement between DID and DUSD for connections along east side of Durham Dayton Highway with revised exhibits to be prepared by the District Engineer.

Board Discussion:

District Counsel Carter has prepared the required grant of easement agreement from DUSD to DID and noted that adjustments were needed to adjust the Exhibits relating to the easement agreement. After revision approval by Durham Irrigation District Board, District Counsel will bring the easement agreement to Durham Unified School District for their board review and approval.

Public Comment:

None.

Action Taken:

On a motion made by Doyle and seconded by Phillips, the Board approved the motion.

Vote results

Ayes carried.

Ayes:

Cooper, Doyle, Phillips

Noes:

Abstained:

Absent:

- 9.2 Development Projects. Review status of development projects' activities.
9.2.1 No development project updates.
9.3 Memorandum to Board

- 9.3.1 Regarding Acct 684 – 2469 Tracy Ranch Road.
Action Requested: Response to owner following discussion at previous board meetings.

Discussion: *Director Phillips has made a call to the Butte County Department of Health and awaits response to specific questions that he posed to them. He expects to have an update for the April 2023 board meeting.*

Public Comment: *None.*

- 9.3.2 * Ltr. from LAFCO (03.07.2023) Nomination and Ballot
Action Requested: Board to consider and elect Special District Regular “Enterprise” Member for a four-year term starting June 1, 2023 and expiring May 31, 2027.

Motion: *That the Board submit its ballot in favor of electing candidate Bob Matthews as Special District Regular “Enterprise” Member for a four-year term starting June 1, 2023 and expiring May 31, 2027. Staff is also authorized to re-submit the ballot in future if Butte LAFCO requests it for this election cycle.*

Board Discussion: *Directors reviewed the ballot and agreed to cast the District’s ballot for candidate Bob Matthews, Paradise Irrigation District.*

In response to public request for clarification, directors explained that Butte County LAFCO is a seven-member board and that this discussion was relating to the election of a candidate to a single specific seat on the LAFCO commission – the “Special District Regular Enterprise” seat.

The Butte LAFCo is composed of seven regular Commissioners: two members from the Butte County Board of Supervisors (selected by the entire Board); two members from the city councils (selected by the mayors of all five incorporated cities); two members who represent special districts (selected by a majority vote of independent special districts); and one public member (selected by the other six LAFCo members).

Public Comment: *A guest asked for clarification what the LAFCO ballot represented.*

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:

- 9.3.3 * Memorandum to Board (03.09.2023) Change office hours
Action Requested: Board to consider and approve change to office hours.

Motion: *That the Board consider and approve a change in District office hours on Tuesdays from 1:00 pm-4:00 pm to 12:00 pm to 3:00 pm.*

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:

9.4 Update on Accounts Receivable Status.

Action Requested: Update from staff on collections status.

Discussion: *No update from staff. Directors clarified for guests that the District has the authority to collect unpaid water bills by placing a lien on the property with the county.*

Public Comment: *None.*

9.5 Policy and Procedure Manual Updates.

9.5.1 Introduction (Doyle)

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

Discussion: *District Engineer commented that the Water Rates, Operating Fees and Billing Procedure policy would underly the costs and charges relating to meters installed as part of the USBR Lead Service Lateral Project.*

Public Comment: *None.*

Action Taken: *District Counsel will re-send drafts to the directors with the intent of approving at the April board meeting.*

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

Discussion: *District Counsel reports that Vina GSA is considering its funding approach. Chair Doyle asks how Vina GSA fees would impact District customers. District Counsel commented that, as any operating cost, the Vina GSA fees would need to be incorporated into the District's budget. He went on to comment that all the Groundwater Sustainability Agencies are navigating their funding approaches and it was too soon to tell what the Vina GSA funding approach would turn out to be.*

District Engineer commented that other areas are adding GSA funding as a line item to county property tax bills, but it was unknown what would happen in Butte County.

Public Comment: *None.*

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

12 DIRECTORS' COMMENTS:

Discussion:

Director Phillips commented that the meeting was well-run and thanked the public for attending.

Chair Doyle commented that he appreciated the attendance at the March 20, 2023 – Board Meeting for the Proposition 218 Hearing and appreciated the greater interest and awareness in the District.

Director Cooper commented that he appreciated the public’s attendance at this and the previous board meetings and that this was likely his last term of service as director on the board.

13 CLOSED SESSION – if needed

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

14 ADJOURNMENT

Meeting adjourned at 6:35 pm.