December 8, 2022

The Board of Directors of the Saucelito Irrigation District met this day in a special session. In accordance with the declared State of Emergency, including social distancing directives as a result of the threat of the COVID-19 virus, SID staff will be participating in this meeting remotely. There will not be a physical location for this meeting. Members of the public may participate in the meeting in the following ways: By joining the Zoom Meeting ID 811 8087 4368 and password 135975. The office is located at 20712 Avenue 120, Porterville, California.

CALL TO ORDER

President Merritt called the meeting to order at 9:30 am.

ATTENDANCE

DIRECTORS PRESENT:	E. Merritt, Kisling, Demetriff, M. Merritt & Noble
DIRECTORS ABSENT:	None
OTHERS PRESENT:	Sean P. Geivet, Manager
	Diane M. Ennis, Secretary/Treasurer
	Nick Keller - Engineer
GUEST:	Nick Galli – Renewable Resources
	Douglas Jackson – Land and Water
	Patrick O'Connell – EKI Consultant
	Jared Plumlee – Booth Ranches
	Andrew Hart – Booth Ranches

TELECONFERENCE MEETINGS- The Board considered approving Resolution 2022-12-02 for remote teleconference meetings under AB 361.

> <u>M/S/U, Demetriff, M. Merritt</u> - to adopt Resolution 2022-12-02 remote teleconference meetings under AB 361.
>
> AYE: E. Merritt, Kisling, Demetriff, M. Merritt & Noble
> NAY: None
> ABSENT: None

RESOLUTION 2022-12-02
of the
BOARD OF DIRECTORS OF SAUCELITO IRRIGATION DISTRICT

<u>RESOLUTION RE CONTINUED SUSPENSION OF PUBLIC TELECONFERENCING LOCATIONS</u>

WHEREAS, as modified by Assembly Bill 361, *Government Code* § 54953(e)(1) permits local agencies to dispense with the requirements for teleconference locations contained in *Government Code* § 54953(b)(3) under the conditions specified herein;

WHEREAS, the Board has reconsidered the state of emergency issued by the State of California in connection with COVID-19, and has found that the declared state of emergency remains in effect;

WHEREAS, local and state officials continue to recommend and, in some cases, require, social distancing measures;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Board shall, consistent with *Government Code* 54953(e)(1), continue to operate without physical, public meeting or teleconference locations.

THE FOREGOING RESOLUTION was passed and adopted by the Saucelito Irrigation District Board of Directors on this 8th day of December 2022, by the following vote:

AYES: E. Merritt, Kisling, Demetriff, M. Merritt & Noble
NOES: None
ABSTAIN: None
ABSENT: None

____/s/ Eric R. Merritt________
Eric R. Merritt, President

ATTEST:

__/s/_Diane M. Ennis_________
Diane M. Ennis, Secretary

Certificate of Secretary

I do hereby certify that I am the Secretary of Saucelito Irrigation District, a special district organized and existing under the laws of the State of California, and that the foregoing Resolution was duly adopted by the Board of Directors thereof at a meeting thereof duly and regularly held on December 8, 2022, at which meeting a quorum of the said Board of Directors was at all times present and acting, and that said Resolution has not been rescinded or amended in whole or any part thereof, and remains in force and effect.

IN WITNESS WHEREOF, I have signed this Certificate on December 8, 2022, in Porterville, California.

__/s/ Diane M. Ennis ______
Diane M. Ennis, Secretary

BOARD REORGANIZATION – With the Board of Supervisors reappointing Directors Kisling and Noble, a discussion took place regarding the SID Board of Directors' positions. With the Board in agreement that new elections should take place, President E. Merritt nominated Director Kisling for SID President, and President E. Merritt suggested that he assume Directors Kisling's current position as Vice President. Discussion ensued.

M/S/U, Demetriff, M. Merritt– moved to accept the new officers.

AYE: E. Merritt, Kisling, Demetriff. M. Merritt & Noble
NAY: None
ABSENT: None

AGENDA – The Manager reported that the agenda is in order and has been posted as required.

MINUTES

M/S/U, Demetriff, M. Merritt– to approve the minutes from the Regular Board of Directors' meeting held on November 10, 2022.

AYE: E. Merritt, Kisling, Demetriff. M. Merritt & Noble
NAY: None
ABSENT: None

BILLS AND VOUCHERS

M/S/U, M. Merritt, Noble - to authorize the Treasurer to pay all outstanding bills against the District as presented and to authorize the transfer of funds, as necessary.

AYE: E. Merritt, Kisling, Demetriff, M. Merritt & Noble
NAY: None
ABSENT: None

PUBLIC COMMENT – President Kisling asked if anyone from the public wished to comment at this time. Having no one, the Board moves on to the reports.

MONTHLY REPORTS

FINANCIAL – The Board reviewed the financial status of the District. Included in the review were the Citizens Business Bank accounts check register from the prior month, Local Agencies Investment Fund reports, Money Market Account Statement, Treasurer's, Collector's, and Secretary's reports, along with the Income Statements and Balance Sheets.

M/S/U, Noble, Demetriff – to accept the Financial Statements and directed that they be placed on file.

AYE: E. Merritt, Kisling, Demetriff, M. Merritt & Noble
NAY: None
ABSENT: None

ADMINISTRATIVE REPORTS – Nothing to report at this time.

OPERATIONS & WATER – Nick Keller reported on the current weather conditions and how they will impact the water supply for next year. He also reviewed with the Board the water schedule, which shows 888 acre-feet to be run in February and the remaining balance as carryover. Also included in the packet are the Field Staff Report and Monthly Employee Safety Report. Discussion ensued.

STATUS OF AUTHORITIES – The Manager continues forwarding CEO updates from Jason Phillips, CEO, FWA. The FWA continues to work on the new canal and the water supply. The Manager reported on the annual FWA retreat held in Paso Robles and encouraged other directors to consider attending in the future. The Manager continues to forward the AECA newsletter to the Board members. Discussion ensued.

EASTERN TULE GSA – The Manager reported that the District had reported the 2022 water usage to the Eastern Tule GSA, and the growers' accounts have been updated. The Manager also informed the Board that they are getting closer to closing the loophole in the rules and regs. Discussion ensued.

2021 FINANCIAL STATEMENTS AUDIT- The Board reviewed the audit completed by Joe Mastro of Cuttone and Mastro Certified Public Accountants.

> M/S/U, Demetriff, Noble – To accept the 2021 audited Financial Statement and directed them to be placed on file.
>
> AYE: E. Merritt, Kisling, Demetriff, M. Merritt& Noble
> NAY: None
> ABSENT: None

BANKING POLICY – The Manager stated that the policy is close to being ready for final approval. Discussion ensued.

DEER CREEK AND TULE RIVER AUTHORITY (DCTRA) – The Manager reviewed with the Board the amendment for the termination of the DCTRA. Discussion ensued

> M/S/U, Noble, Demetriff – to approve the amendment to the Joint Powers Agreement for Termination of the Deer Creek and Tule River Authority.
>
> AYE: E. Merritt, Kisling, Demetriff, M. Merritt & Noble
> NAY: None
> ABSENT: None

UPPER SAN JOAQUIN RIVER WATER & POWER AUTHORITY (USJRWPA) – The Manager reviewed with the Board of Resolution to be considered regarding withdrawing from and terminating the amended joint powers agreement – USJRWPA. Discussion ensued

> M/S/U, Demetriff, M. Merritt – to adopt the resolution 2022-12-03 to withdraw from and terminate the amended joint powers agreement.
>
> AYE: E. Merritt, Kisling, Demetriff, M. Merritt & Noble
> NAY: None
> ABSENT: None

DECEMBER 8, 2022
RESOLUTION NO. 2022-12-03

RESOLUTION OF THE BOARD OF DIRECTORS,
SAUCELITO IRRIGATION DISTRICT
WITHDRAWING FROM AND TERMINATING THE
AMENDED JOINT POWERS AGREEMENT – UPPER SAN JOAQUIN RIVER
WATER & POWER AUTHORITY

RESOLVED by the Board of Directors ("Directors") of the Saucelito Irrigation District ("District"), at a regular meeting duly called and held on December 8, 2022 at the business office of the District, 20712 Avenue 120, Porterville, California 93257 as follows:

WHEREAS, on or about June 18, 1979, the Arvin-Edison Water Storage District, Delano-Earlimart Irrigation District, Lindmore Irrigation District, Lindsay-Strathmore Irrigation District, Lower Tule River Irrigation District, Madera Irrigation District, Orange Cove Irrigation District, Saucelito Irrigation District Southern San Joaquin Municipal Utility District, Stone Corral Irrigation District, and Terra Bella Irrigation District (individually referred to as "Member Entity" or "Member," and jointly referred to as "Members") entered into a Joint Exercise of Powers Agreement ("Agreement") of the Upper San Joaquin River Water and Power Authority ("Authority"); and

WHEREAS, on or about January 8, 1980, the Authority updated the Joint Exercise of Powers Agreement as set forth in the 1st Amendment to Joint Power Agreement ("1st Amendment"); and

WHEREAS, on or about August 11, 1980, the Authority further amended the Agreement and 1st Amendment through the Amended Joint Powers Agreement ("Amendment"), which added Chowchilla Water District and Tea Pot Dome Water District as Members; and

WHEREAS, the stated purpose of the Authority was to "develop, design, finance, acquire, construct, operate and maintain dams, reservoirs, tunnels, conduits and hydroelectric facilities in the west side of the San Joaquin drainage area above the Mammoth Pool Power Project (F.P.C. No. 2085) in order to divert, store and distribute water for beneficial use, and to generate," (the "Project"); and

WHEREAS, since its inception, the Authority has attempted to carry out its purpose; and

WHEREAS, on or about July 25, 2001, Orange Cove Irrigation District terminated its membership in the Upper San Joaquin River Water and Power Authority; and

WHEREAS, Section 2.02 of the Amendment provides that the Amended Joint Powers Agreement may be terminated upon mutual agreement of all Members of the Authority; and

WHEREAS, the Board of Directors of the Authority have determined it is now appropriate to terminate the Amendment, but continue the Authority's existence for purposes of dissolving the Authority; and

WHEREAS, the Directors desire to terminate the Amendment, and to do so in a way to ensure that the Authority shall continue to exist for the limited purpose of completing all functions necessary to close out the affairs of the Authority, including the conclusion of any necessary audit.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Saucelito Irrigation District:

The foregoing recitals are true and correct and are incorporated herein by reference as if set forth in full.
Pursuant to Section 2.02 of the Amendment, the District hereby withdraws from membership in the Authority and terminates the Amendment effective upon the following:

1. **Mutual agreement by all general members through their respective governing bodies; and**
2. **The Amendment and Authority shall continue to exist for the limited purpose of completing all functions necessary to close out the affairs of the Authority; and**
3. **The Board of Directors of the Authority adopts a resolution of final termination following the close out of the affairs of the Authority.**

The Directors hereby direct the General Manager to provide notice to the Authority of the adoption of this Resolution and the foregoing withdrawal and termination.
The Directors hereby direct the Authority to complete any procedures as may be adopted by the Board of Directors of the Authority to effectuate the same, and to notify all general members when all the termination of the Amendment and Authority are final.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Saucelito Irrigation District Board of Directors, at a regular meeting of the Board held on December 8, 2022, by the following vote:

AYES: E. Merritt, Kisling, Demetriff, M. Merritt & Noble
NOES: None
ABSENT: None
ABSTAIN: None

/s/ Steven G. Kisling
Steven G. Kisling, President

ATTEST: /s/ Eric R. Merritt
Eric R. Merritt, Vice President

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Saucelito Irrigation District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2022-03 adopted December 8, 2022.

/s/ Diane M. Ennis
Diane M. Ennis, Secretary

CALIFORNIA FARM WATER COALITION – The Manager asked the Board to consider the request from CFWC for membership dues of $2,666.00.

M/S/U, M. Merritt, Noble– to accept the Manager's recommendation and pay the membership dues for CFWC 2023.

AYE:	E. Merritt, Kisling, Demetriff. M. Merritt & Noble
NAY:	None
ABSENT:	None

CLOSED SESSION – The Board adjourned to a closed session at 10:38 am.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Government Code Section 54956.9(d)(1)] the City of Fresno, et al. v. United States of America, Court of Federal Claims, Case No. 16-1276L.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Government Code Section 54956.9] (3 Case)

CLOSED SESSION ITEMS- The Board returned from Closed Session at 11:24 am. There was no reportable action.

ADJOURNMENT

President Kisling adjourned the meeting at 11:33 am

Diane M. Ennis, Secretary