

**PATTERSON IRRIGATION DISTRICT
SPECIAL TELEPHONIC BOARD MEETING
MINUTES**

March 16, 2022

The Board of Directors of the Patterson Irrigation District held a telephonic regular monthly Board meeting. The meeting was called to order at 1:03 p.m. by Director Barbaste

Directors Present: Richard Barbaste, David Reichmuth, David Fantozzi, Frank Trinta, John Azevedo

Directors Absent:

Others Present:	Vince Lucchesi	General Manager
	Toni Russell	Secretary/Treasurer
	Steve Trinta	Water Operations Supervisor
	Jeanne Zolezzi	Legal Counsel
	Mark Smith	Consultant

CORRECTIONS OR ADDITIONS TO THE AGENDA:

None

PUBLIC COMMENT:

None

ACTION ITEM:

ADOPTION OF RESOLUTION 05-2022 RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR GAVIN NEWSOM (MARCH 4, 2020), PROCLAIMING THE STATE OF EMERGENCY CONTINUES TO DIRECTLY IMPACT THE ABILITY OF THE LEGISLATIVE BODY OF THE PATTERSON IRRIGATION DISTRICT TO MEET SAFELY IN PERSON, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR SUCH LEGISLATIVE BODIES FOR THE PERIOD OF MARCH 16, 2022 THROUGH APRIL 15, 2022, PURSUANT TO BROWN ACT PROVISIONS:

Lucchesi presented to the Board Resolution 05-2022 re-ratifying the Governors state of emergency.

After a brief discussion, a motion was made by Director Reichmuth to adopt Resolution 05-2022. Second by Director Trinta and passed unanimously.

Ayes: Barbaste, Reichmuth, Fantozzi, Trinta, Azevedo

Noes: None

Absent: None

Abstain: None

CONSENT ITEMS:

Agenda Items 5 – 6 Board to Consider: a) February 16, 2022 Meeting Minutes b) Financial Report, Cash Disbursements Report, Update to Reserves and the Budget to Actual for month ending February 2022.

Director Fantozzi made a motion to approve the Consent Items. Second by Director Reichmuth and passed unanimously.

Ayes: Barbaste, Reichmuth, Fantozzi, Trinta, Azevedo

Noes: None

Absent: None

Abstain: None

ACTION ITEMS:

APPROVAL OF AN AUTHORIZATION FOR THE GENERAL MANAGER TO EXECUTE MODIFICATION LETTER AGREEMENT WITH THE UNITED STATES BUREAU OF RECLAMATION FOR CURRENT AGREEMENT PLOA NO 20-WC-29-5565 FOR THE REPLACEMENT OF CVP ELECTRICAL POWER AND FEES INCURRED FOR CONVEYANCE OF PRE-1914 SAN JOAQUIN RIVER WATER RIGHTS WATER IN PROJECT FACILITIES THROUGH DECEMBER 31, 2020

Lucchesi reported that USBR requires reimbursement for the Project Use Energy for the conveyance of Non-Project water. For PID, both Warren Act contracts that PID maintains with USBR has a provision that PID will reimburse USBR on these costs. For 2021, PID made an invoicing system with USBR to pay these amounts. Moving forward, USBR wishes to solidify this process with this agreement through 2030.

Following a thorough discussion Director Reichmuth made a motion authorizing the General Manager to execute the modification letter with the Bureau for reimbursement of the PUE for conveyance of Non-Project waster. Second by Director Trinta and passed unanimously.

Ayes: Barbaste, Reichmuth, Fantozzi, Trinta, Azevedo

Noes: None

Absent: None

Abstain: None

DISCUSSION, APPROVAL AND AUTHORIZATION OF THE GENERAL MANAGER TO EXECUTE A COST-SHARE MEMORANDUM OF AGREEMENT WITH THE UNITED STATES BUREAU OF RECLAMATION FOR FEDERAL APPRAISAL AND FEASIBILITY STUDIES AND REPORT DEVELOPMENT FOR THE EAST-WEST CONVEYANCE PROJECT IN ITS SUBSTANTIALLY COMPLETED FORM

Lucchesi reported that to move forward with the appraisal study with USBR for the East-West Conveyance Project USBR requires a cost-share agreement. Lucchesi noted that the agreement has been reviewed by Counsel and that it is currently in its substantial form. Barring any significant changes with USBR, approval includes executing the agreement.

Following a thorough discussion Director Trinta made a motion to approve the MOA with the Bureau of Reclamation for the Federal Appraisal and Feasibility studies for the E/W Conveyance Project. Second by Director Fantozzi and passed unanimously.

Ayes: Barbaste, Reichmuth, Fantozzi, Trinta, Azevedo

Noes: None

Absent: None

Abstain: None

DISCUSSION AND POSSIBLE ACTION TO PID RULES AND REGULATIONS REGARDING WATER SHORTAGES

Lucchesi presented to the Board modifications to the PID Rules and Regulations regarding water shortages and grower to grower groundwater wheeling. Lucchesi requested that the Board consider revising the Rules to allow grower to grower wheeling and to keep the District out of negotiations or O&M of a landowners well. Lucchesi presented the requested changes to the Board.

Following a thorough discussion Director Trinta made a motion to approve the changes to PID's Rules and Regulations as presented. Second by Director Reichmuth and passed unanimously.

Ayes: Barbaste, Reichmuth, Fantozzi, Trinta, Azevedo

Noes: None

Absent: None

Abstain: None

DISCUSSION AND POSSIBLE ACTION ON UPDATES TO PID DROUGHT POLICY

Lucchesi added that this item is in concert with the previous item 7 regarding shortages. Lucchesi requested the Board to consider modifications to the drought policy to eliminate PID purchasing well water from growers and redistributing that water throughout. Lucchesi noted that PID would not be responsible for the O&M of a landowners well and that its up to the well owner to comply with PID's GSA policies, to maintain their well and negotiate prices between landowners. PID will just wheel the well water if they comply with PID's GSA.

Following a discussion Director Trinta made a motion to approve the modifications and updates to PID's Drought Policy. Second by Director Reichmuth and passed unanimously.

Ayes: Barbaste, Reichmuth, Fantozzi, Trinta, Azevedo

Noes: None

Absent: None

Abstain: None

DISCUSSION AND POSSIBLE ACTION ON DROUGHT LETTER TO GROWERS

Lucchesi requested the Board to review and approve the proposed drought letter to growers. The reason being is that a tentative end date for the irrigation season is included in the letter for October 14. The letter includes a description of current conditions of water supply, what PID is doing for its water users and what can water users expect once PID starts to ration growers.

Director Reichmuth made a motion approve the drought letter to growers as presented by staff. Second by Director Fantozzi and passed unanimously.

Ayes: Barbaste, Reichmuth, Fantozzi, Trinta, Azevedo

Noes: None

Absent: None

Abstain: None

REPORT ITEMS:

WATER DISTRIBUTION SYSTEM SUPERVISOR'S REPORT:

Water Distribution System Supervisor Trinta gave a report on recent operations and maintenance activities in the district. A written report was included in the board packet for review.

STATE AND FEDERAL AFFAIRS UPDATE:

Mark Smith provided updates on meetings and calls had regarding garnering support in the Fed and State for possible stimulus funding. Discussions also were on State bonds and proposed bills that could possibly consider the East-West Project to fund. Mark also added about current talks with USBR on the cost-share agreement MOA.

SISK DAM RAISE ACTIVITY AGREEMENT:

General Manager Lucchesi presented to the board that an activity agreement with the Water Authority is beginning to be circulated for potential partnerships for the additional storage being generated by the raising of Sisk Dam. Lucchesi requested that the Board take into consideration the potential of having additional storage for PID, albeit small but would be a great opportunity for the District.

DMC PUMP-BACK:

Lucchesi provided the Board an update regarding operations on the DMC. Lucchesi noted that operations in the Delta are up in the air and its possible that USBR may not be able to maintain 1 unit pumping into the summer. As a result, this limited pumping will affect all upper DMC water users and necessitate the need for a pump back system for the users to retrieve their water stored in San Luis Reservoir. Talks are on-going, but Lucchesi noted that if any action is necessary that wouldn't be considered emergency, the Board will be notified.

ACWA SPRING 2022, ETHICS AND SEXUAL HARRASSMENT TRAINING:

Lucchesi told the Board that the upcoming ACWA conference is in Sacramento and that the Board is due for Ethics and some Board members are due for Sexual Harassment Training. Lucchesi noted that these two trainings are held at the conference and if the Board wishes to attend to speak with Secretary Russell after the meeting.

FORM 700 REMINDER:

Lucchesi reminded the Board that their Form 700 documents are due by April 10.

SGMA UPDATE:

General Manager Lucchesi provided a report in the board packet regarding:

- GSP Comments from DWR/SWRCB
- Well Meter Policy Letter
- GSP Implementation

OUTSIDE AGENCY/ORGANIZATION REPORTS & UPDATES:

Lucchesi provided Agency and Staff reports on the following:

- SLDMWA Activity Agreement Budget & Cost Re-allocation
- SLDMWA Activities
- IRWM/SWMP Update
- Drainage Authority Update
- SLDMWA SGMA Update
- FishBio Update
- Family Farm Alliance
- San Joaquin Valley Water Blueprint Effort

MANAGEMENT REPORT:

A written report was included in the Board packet regarding administration, operations, and construction activities.

- Managers Briefing
 - Lucchesi provided no updates outside of the items presented herein.
- Administration Report
 - Lucchesi provided a report on Personnel
 - Lucchesi Provided a report on Risk Management
- Lucchesi provided a report on construction projects

- Lucchesi provided a report on projects
- Lucchesi provided a report on Water Operations

DIRECTORS BRIEFING:

Nothing to report

CLOSED SESSION:

President Barbaste announced the items that would be discussed in Closed Session. The Board convened into closed session at 3:03 p.m. to discuss the items below:

- a. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Government Code Section 54956.8)
Property: Water
Agency Negotiator: Vince Lucchesi, General Manager
Negotiating Parties: Cindy Kao, South Valley
Under Negotiation: Instructions to Negotiator will concern price and payment terms
- b. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Government Code Section 54956.8)
Property: Water
Agency Negotiator: Vince Lucchesi, General Manager
Negotiating Parties: Dale Melville, South Valley Water Resources Authority
Under Negotiation: Instructions to Negotiator will concern price and payment terms
- c. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Government Code Section 54956.8)
Property: Water
Agency Negotiator: Vince Lucchesi, General Manager
Negotiating Parties: Jason Phillips, Executive Director Friant Water Authority
Under Negotiation: Instructions to Negotiator will concern price and payment terms
- d. CONFERENCE WITH REAL PROPERTY NETOTIATORS
(Government Code Section 54956.8)
Property: Water
Agency Negotiator: Vince Lucchesi, General Manager
Negotiating Parties: Robert Pierce, West Stanislaus Irrigation District
Under Negotiation: Instructions to Negotiator will concern price and payment terms
- e. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
(Paragraph (4) of Subdivision (d) of Government Code Section 54956.9) – 2 potential cases
- f. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of Subdivision (d) of Government Code Section 54956.9)
 - i. California Sportfishing Protection Alliance v Patterson Irrigation District
GSA, Stanislaus County Superior Court Case No. CV-20-001748
 - ii. Center for Biological Diversity, Restore the Delta, and Planning and Conservation League v United States Bureau of Reclamation; Deb Haaland, in fer official capacity as Secretary of the Interior; et al

- iii. Banta-Carbona Irrigation District, West Stanislaus Irrigation District, Patterson Irrigation District v California State Water Resources Control Board, Sacramento County Superior Court Case No. 34-2021-80003718-CU-WM-GDS

The Board returned to open session 3:36 p.m. President Barbaste reported on actions taken in closed session.

Action Items

DISCUSSION AND ACTION ON WHEELING AGREEMENT WITH WEST STANISLAUS IRRIGATION DISTRICT TO CONVEY PATTERSON IRRIGATION DISTRICT PRE-1914 SAN JOAQUIN RIVER WATER RIGHTS WATER UNDER WARREN ACT CONTRACT 20-WC-20-5658 INTO THE DELTA-MENDOTA CANAL

Due to PID needing to maximize the amount of water available in the San Joaquin River during this spring, PID is currently unable to fill its Warren Act contract before anticipated curtailments to PID. General Manager Lucchesi presented the Board the wheeling agreement with West Stanislaus Irrigation District. Lucchesi noted that West Stanislaus Irrigation District would only move PID water in the event they have any additional capacity beyond their current commitments. In lieu of payment of wheeling services, WSID will retain 33% of the gross water pumped under the Warren Act Contract from WSID's discharge into the DMC.

Following a through discussion Director Trinta made a motion to extend the Agreement under the same terms and conditions through February 28, 2023. Second by Director Trinta and passed unanimously.

Ayes: Barbaste, Reichmuth, Fantozzi, Trinta, Azevedo

Noes: None

Absent: None

Abstain: None

OTHER ITEMS

Nothing to report

With the completion of all agenda items the meeting was adjourned at 3:37 p.m.

Respectfully Submitted,

Toni Russell, Secretary