

**MADERA IRRIGATION DISTRICT
BOARD OF DIRECTORS
GROUNDWATER SUSTAINABILITY AGENCY
MEETING
FEBRUARY 20, 2024
MINUTES**

Directors Present: James Erickson, President
Tim DaSilva
Brian Davis
Carl Janzen, Vice President
David Loquaci

Directors Absent: None

Staff Present:

- T. Greci, General Manager (GM Greci)
- D. Cadenazzi Nolan, Assistant General Manager (AGM Nolan)
- A. Kwock Sandoval, Secretary to the Board
- J. Furstenburg, Controller
- C. Contreras, Operations & Maintenance Manager (OMM Contreras)
- D. Garcia, Engineering Technician Supervisor (ETS Garcia)

Others Present: General Counsel John Kinsey, Wanger Jones Helsley; Joel Hastings, WaterWrights; Christina Beckstead, Madera County Farm Bureau; Paul Swearingen, Tina Massetti, Estevan Nunez, California High Speed Rail; and others in-person or on Zoom that did not identify themselves

CALL TO ORDER / ROLL CALL

President Erickson called the meeting to order at 1:00 p.m. at the business office of the District at 12152 Road 28 ¼, Madera, California 93637.

APPROVAL OF AGENDA

MOTION: Director Janzen / Director Loquaci to approve the agenda as presented.

VOTE: ROLL CALL

AYES: Directors Loquaci, Janzen, Davis, DaSilva, and Erickson

NOES:

ABSTAIN:
ABSENT:

POTENTIAL CONFLICTS OF INTEREST: Closed Session

General Counsel Kinsey reported there were no potential conflicts of interest for Closed Session.

PUBLIC COMMENT: Closed Session

President Erickson opened and closed public comment due to no public in attendance.

The Board convened to Closed Session at 1:02 p.m.

1. CLOSED SESSION Closed Session items not concluded prior to Regular Session may be continued at the end of the Regular Session.

- 1a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 (4 potential cases)
- 1b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Potential initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9 (2 potential cases)
- 1c. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9; Petition for the Adjudication of Rights to the Fresno River, before the State Water Resources Control Board
- 1d. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9; Madera Irrigation District v. Smith-Adobe Ranch Family Limited Partnership, Case No. MCV081757
- 1e. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9; Madera Irrigation District and Madera Irrigation District Groundwater Sustainability Agency v. Madera County Groundwater Sustainability Agency, Madera County Board of Supervisors, County of Madera, Case No. MCV086277
- 1f. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9; Madera Irrigation District and Madera Irrigation District Groundwater Sustainability Agency v. Madera County Groundwater Sustainability Agency, Madera County Board of Supervisors, County of Madera, Case No. MCV087598
- 1g. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9; *NRDC v. Rogers*, U.S. District Court, Eastern District of California (Sacramento Division), Case No. 88-CV-1658-JAM-GGH

- 1h. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9; Madera Irrigation District v. All State Insurance Company, Case No. MCV090064

CALL TO ORDER REGULAR SESSION/ PLEDGE OF ALLEGIANCE

President Erickson called regular session to order at 2:10 p.m. with staff in attendance and the public in attendance.

REPORT ON CLOSED SESSION

There was no reportable action taken during Closed Session.

POTENTIAL CONFLICTS OF INTEREST

There were no potential conflicts of interest noted.

PUBLIC COMMENT: MID Groundwater Sustainability Agency & Regular Session

President Erickson opened public comment and closed public comment due to no comments from the public in attendance.

ADJOURN AS MID BOARD OF DIRECTORS & CONVENE AS MID GROUNDWATER SUSTAINABILITY AGENCY - 2:11 p.m.

- a. Update on MID Groundwater Sustainability Agency (GSA)

AGM Nolan reported notice was received the revised Joint GSP was approved by the State. The MID GSA continues to work on the facilitation grant with the facilitator. The process has been ongoing. Staff provided the information on the many projects completed by the MID GSA to the consultant who is preparing the annual report.

AGM Nolan stated the new District basin is being developed. There will be a presentation later regarding the recharge completed in 2023. AGM Nolan noted 2023 was a great year.

The District continues to work with NRCS on a number of projects and programs. AGM Nolan and GM Greci met with NRCS State Conservationist a few weeks ago.

ADJOURN AS MID GROUNDWATER SUSTAINABILITY AGENCY & RECONVENE AS MID BOARD OF DIRECTORS - 2:14 p.m.

2. CONSENT AGENDA

- 2a. Approval of December 19, 2023 Regular Board Meeting Minutes
- 2b. Discussion / possible action on approval of warrant list payments through February 1, 2024
- 2c. Discussion / possible action on monthly financial reports for November and December 2023

- 2d. Discussion / possible action on modification to District Personnel Policy Section 408 Sick Leave, Resolution No. 2024-01

MOTION: Director Janzen / Director Davis to approve the Consent Agenda as presented.

DISCUSSION: There was no discussion.

PUBLIC COMMENT: President Erickson opened public comment and closed public comment due to no comments from the public in attendance.

VOTE: ROLL CALL

AYES: Directors Loquaci, Janzen, Davis, DaSilva, and Erickson

NOES:

ABSTAIN:

ABSENT:

3. **DEPARTMENT REPORT – DISTRICT OPERATIONS**

- Annual Disclosure of Payments over \$100 to Employees and Directors

OMM Contreras reported all staff completed CPR and first aid training. The vineyard and almond removal was completed at the new District Basin #10. The new domestic well at the District office was completed and Engineering staff is working on the estimate for the pump, tank, and electrical panel.

OMM Contreras reviewed the maintenance work photos including rebuilt and new turnouts. The new turnouts are at locations that previously did not have a turnout, or users were sharing a turnout. The leak and pipeline repairs are ongoing.

4. **GENERAL MANAGER'S REPORT**

- 4a. Update of Activities
- Madera-Chowchilla Water & Power Authority
 - ACWA Spring Conference, May 7-9, 2024
 - 2024 Water Season
 - End of Water Season Presentation

GM Greci reported the Warren Act extension was submitted to the Bureau of Reclamation for the 2024-2028 period. It allows the District to utilize the Bureau facilities to put Pre-1914 water in Friant Dam and Hidden Dam.

GM Greci stated ACWA JPIA was here at MID to complete a risk assessment inspection.

GM Greci stated the ACWA Spring Conference will be held in Sacramento May 7-9, 2024. Board members that have not signed up and wish to attend should speak to Secretary Sandoval.

GM Greci provided an update on the Madera-Chowchilla Water & Power Authority. MID's maintenance staff has been looking at areas of concern on the Madera Canal. They will be working on the canal panels. In addition, the trash rack will be installed. GM Greci reported the contractor has been making progress on the Fresno River bridge project.

GM Greci provided a 2023 Water Season Summary. He noted this year's presentation will focus on the recharge basins. AGM Nolan noted some of the basins were not developed years ago with recharging in mind, but still provide a benefit. Across the 9 MID basins, approximately 18,000 acre feet was recharge in 2023. GM Greci noted there was a drop off in recharge in early November because of the pro-rate issues on the Madera Canal. The District is currently developing Basin #10 and will be able to utilize Madera Lake this year.

GM Greci stated the District also has basins in partnership with the City of Madera and 2,000 acre feet was recharged in cooperation with the City. GM Greci stated the District has partnership with the County for their Ellis Street Basin and 0.25 acre feet of water was recharged. It was turned on for one day only.

GM Greci stated the District delivered approximately 200,000 acre feet to growers. It was the longest season on record for the District. The District's contract supplies were 350,000 acre feet of water. This is water the District paid for and brought into the District. The District also had mandatory Friant releases and Fresno River releases of 200,000 acre feet.

GM Greci provided an update on the 2024 surface water supplies. There have been pretty good storms this year. It is still early in the year for an allocation, but we do have decent carryover.

5. NEW BUSINESS

5a. Presentation by California High Speed Rail – **Timed Item 2:30 p.m.**

DISCUSSION / PUBLIC COMMENT: ETS Garcia introduced representatives from California High Speed Rail ("CAHSR") Paul Swearingen, Tina Massetti, and Estevan Nunez. They presented on the northern section Merced to Madera project segment.

Director Loquaci questioned if the technology is now outdated since the project has been going on for so long. Mr. Swearingen replied that the project includes cutting edge technology. AGM Nolan noted the graffiti problems.

Ms. Massetti noted everyone working on this project currently is from the Central Valley. AGM Nolan noted previously when she met with CAHSR representatives they were all from out of state.

Christina Beckstead questioned the budget for CAHSR. Mr. Swearingen noted there is a business plan out for public review currently. It is available on the CAHSR website. Mrs. Beckstead

questioned where CAHSR anticipates getting electricity from for the project. Director Erickson stated there are people waiting to have ag pumps connected.

5b. Discussion / possible action on authorization for General Manger to enter into agreements with California High Speed Rail for reimbursement of costs, Resolution No. 2024-02

MOTION: Director Loquaci / Director Janzen to authorize the General Manager to enter into agreements with California High Speed Rail for reimbursement of costs, Resolution No. 2024-02.

DISCUSSION: AGM Nolan stated CAHSR will reimburse the District for coordination efforts and impacts to District facilities. AGM Nolan noted this resolution authorizes GM Greci to enter into this agreement and future ones. If the Board prefers, every agreement can be brought to the Board for approval. Director Loquaci stated GM Greci knows how the directors feel about the project.

PUBLIC COMMENT: President Erickson opened public comment and closed public comment due to no comments from the public in attendance.

VOTE: ROLL CALL

AYES: Directors Loquaci, Janzen, Davis, DaSilva, and Erickson

NOES:

ABSTAIN:

ABSENT:

5c. Discussion / possible action on request for waiver of penalty fee from Pacific Resources in relation to the Water Transfer Agreement dated December 10, 2014

MOTION: There was no motion or action taken by the Board.

DISCUSSION: GM Greci stated as the Board knows the District has a Water Transfer Agreement with Pacific Resources ("PR"). The District has transferred water to PR this water year. The Water Transfer Agreement states, "the Friant Supply Purchase Price of all water delivered under this Water Transfer Agreement shall be payable by MV (now PR) to MID within thirty (30) days after the later of the day MID delivers the Selected Friant Volume to the Friant Point of Delivery or the day MID delivers an invoice". GM Greci explained this year was unique because there were capacity restrictions on the Friant-Kern Canal. The water was originally scheduled for delivery in June, but was rescheduled to October because of the restrictions.

GM Greci stated we worked closely with PR and the transferor agencies Pixley and Arvin Edison. The invoice was then sent and due November 30, 2023. An invoice was sent on December 1, 2023 that included the delinquency fee of \$7,311.64.

Director Loquaci stated he reviewed the letter from PR, and he is sympathetic they don't understand the agreement. Director Loquaci stated the District does not waive late fees for

growers. President Erickson stated he did not receive a late fee waiver. Director Loquaci stated we do not want to set a precedent.

PUBLIC COMMENT: Travis Millwee commented that the intent on his part was to ensure all of the water was delivered. Mr. Millwee stated he was waiting on confirmation from the managers at Arvin Edison and Pixley. He did not receive confirmation until November 8 and 13, 2023. Mr. Millwee stated he understands the agreement and, in the future, will pay the invoice and then true-up later if needed. Mr. Millwee stated he understands the Board position regarding precedent, but is asking for consideration since it was a unique water year.

6. **DIRECTOR REPORTS, COMMITTEE REPORTS, FUTURE AGENDA ITEMS**

Director DaSilva reported on RMC.

Director Davis reported ACWA Region 6 will meet this Friday.

Director Janzen reported on Regional Water Management Group and the Mid-Pacific Water Users Conference.

Director Loquaci commented on SGMA

Director Erickson reported on the Mid-Pacific Water Users Conference and Friant Water Authority.

The Board reconvened to Closed Session at 4:04 p.m.

There was no reportable action taken during Closed Session.

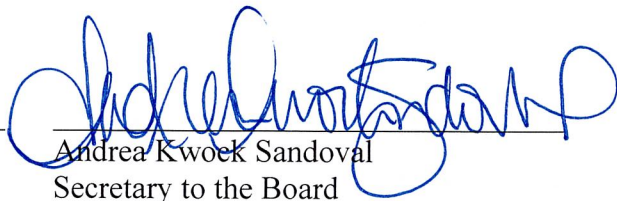
President Erickson adjourned the meeting at 4:06 p.m.

7. **ADJOURNMENT**

APPROVED FOR THE BOARD:



James Erickson
President



Andrea Kwoek Sandoval
Secretary to the Board

Date: 4/16/24



FEBRUARY 20, 2024
RESOLUTION NO. 2024-01

**RESOLUTION OF THE BOARD OF DIRECTORS,
MADERA IRRIGATION DISTRICT
APPROVING PROPOSED MODIFICATIONS TO
DISTRICT PERSONNEL POLICY SECTION 408 SICK LEAVE**

RESOLVED by the Board of Directors (“Directors”) of the Madera Irrigation District (“District”), at a regular meeting duly called and held on February 20, 2024 at the business office of the District, 12152 Road 28 1/4, Madera, California 93637, as follows:

WHEREAS, the Directors have previously adopted Section 408 (“Sick Leave”) of the Personnel Policies of the Madera Irrigation District, and

WHEREAS, District staff continues to perform a comprehensive review of the District Policies to reduce redundancy, ensure consistency with current laws and regulations, and allow the District flexibility in the administration of its policies; and

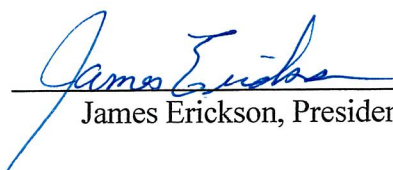
WHEREAS, District staff’s recommendations include proposed modifications to the text of Section 408 (collectively, the “Proposed Modifications”) as part of its ongoing effort to review, edit, and modernize the District Policies, which are attached hereto as Exhibit “A”; and

WHEREAS, the Directors have reviewed the Proposed Modifications, and find the Proposed Modifications meet the District’s goals and objectives, and that it is appropriate for the Directors to approve the Proposed Modifications for inclusion in the District Personnel Policies.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Madera Irrigation District, that the facts contained in the recitals above are true and correct and that the Board of Directors of Madera Irrigation District hereby approves and adopts the modifications to the District Personnel Policy Section 408 (“Sick Leave”), the text of which is included in Exhibit “A”.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of Directors of the Madera Irrigation District, at a regular meeting of the Board held on the 20th of February 2024 by the following vote:

AYES: Director Loquaci, Janzen, Davis, DaSilva, and Erickson
NOES: None
ABSENT: None
ABSTAIN: None



James Erickson, President

ATTEST: Carl Janzen
Carl Janzen, Vice President

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Madera Irrigation District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2024-01 adopted February 20, 2024.

Andrea Kwock Sandoval
Andrea Kwock Sandoval, Secretary



**FEBRUARY 20, 2024
RESOLUTION NO. 2024-02**

**RESOLUTION OF THE BOARD OF DIRECTORS,
MADERA IRRIGATION DISTRICT
AUTHORIZATION FOR GENERAL MANAGER TO ENTER INTO
AGREEMENTS WITH CALIFORNIA HIGH SPEED RAIL FOR
REIMBURSEMENT OF COSTS**

RESOLVED by the Board of Directors of the Madera Irrigation District (“District”), at a regular meeting duly called and held on February 20, 2024 at the business office of the District, 12152 Road 28 1/4, Madera, California 93637 as follows:

WHEREAS, the District operates and maintains the canal facilities within the potential alignments of the proposed California High Speed Rail; and

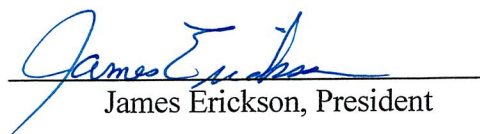
WHEREAS, the District is seeking reimbursement from the California High Speed Rail Authority (“Authority”) for the District’s costs associated with the proposed alignment of the California High Speed Rail Project; and

WHEREAS, the Authority has advised that such reimbursements to the District would need to be effectuated through the execution of the Authority’s Standard Agreements, an example of which is attached hereto as Exhibit “A”.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Madera Irrigation District, that the facts contained in the recitals above are true and correct, and that the Board does hereby authorize the General Manager Thomas Greci to enter into any and all agreements with California High Speed Rail for the reimbursement of costs from the Authority, in generally the same form as the Standard Agreement attached hereto as Exhibit “A,” and all other documentation necessary to effectuate such agreements, including subject to such reasonable modifications, revisions, additions and deletions as he may approve prior to execution, said execution to provide conclusive evidence of such approval.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of Directors of the Madera Irrigation District, at a regular meeting of the Board held on the 20th of February 2024 by the following vote:

AYES: Director Loquaci, Janzen, Davis, DaSilva, and Erickson
NOES: None
ABSENT: None
ABSTAIN: None


James Erickson, President

ATTEST: Carl Janzen
Carl Janzen, Vice President

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Madera Irrigation District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2024-02 adopted February 20, 2024.

Andrea Kwok Sandoval
Andrea Kwok Sandoval, Secretary

