

**MADERA IRRIGATION DISTRICT
BOARD OF DIRECTORS SPECIAL MEETING
JANUARY 4, 2023**

MINUTES

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

Directors Absent: None

Staff Present: T. Greci, General Manager (GM Greci) via Zoom
D. Cadenazzi Nolan, Assistant General Manager (AGM Nolan)
A. Kwock Sandoval, Secretary to the Board
C. Contreras, Operations and Maintenance Manager (OMM Contreras)
J. Furstenburg, Controller

Others Present: General Counsel John Kinsey via Zoom, Wanger Jones Helsley; Taisto Smith, Adobe Ranch; Kevin Herman; Lak Brar; others on the Zoom or in-person 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. Director Janzen, GM Greci, and General Counsel Kinsey participated via Zoom.

APPROVAL OF AGENDA

MOTION: Director Loquaci / Director Janzen 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 noted for item 1b. Director Janzen will recuse himself because one of the affected parties is a member of Director Janzen's family.

PUBLIC COMMENT: Closed Session

Taisto Smith of Adobe Ranch provided comments on the Madera Lake Inlet Project and Fresno River Riparian.

The Board convened to Closed Session at 1:08 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 – Potential initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9 (1 potential case)
- 1b. 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

CALL TO ORDER REGULAR SESSION

President Erickson called regular session to order at 1:35 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: Regular Session

President Erickson opened and closed public

2. RECURRING BUSINESS

- 2a. Discussion / possible action on Proclaiming a Local Emergency Persists, Re-Ratifying the Proclamation of a State of Emergency By the Governor's Proclamation of a State of Emergency Dated March 4, 2020, and Re-Authorizing Remote Teleconference Meetings of the Legislative Bodies of Madera Irrigation District for the Period of 30 Days Pursuant to Brown Act Provisions, Resolution No. 2023-01

MOTION: Director Davis / Director Loquaci to approve Resolution No. 2023-01.

DISCUSSION: Secretary Sandoval noted Director Janzen is participating remotely today.

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. GENERAL MANAGER'S REPORT

- 3a. Update on Activities
- Water Supply

AGM Nolan report on December 31, 2022, MID received notice from the U.S. Bureau of Reclamation ("USBR") that the Class 1 allocation was increased to 35%. In addition, USBR declared Class 1 uncontrolled season in the amount of 40,000 acre feet that needs to be evacuated by February 15, 2023. That is 40,000 acre feet today. The USBR requested water schedules from Friant contractors and if the request is over 40,000 acre feet the water will be pro-rated.

AGM Nolan stated for MID Hensley Lake is filling and it is filling very quickly. We are approaching the conservation curve at Hensley Lake. AGM Nolan stated the District was notified by Army Corps. that releases will begin tomorrow afternoon up to 1,000 cfs. AGM Nolan noted MID already notified Madera County and the City of Madera letting them know the Fresno River will be flowing with water. OMM Contreras has reached out to the law enforcement agencies, so they can start notifying any residents in the river.

AGM Nolan stated we have water! Things are very fluid and can change rapidly. The Operations Department is ready to go along with the Finance Department. Director Loquaci stated this is not flood water and it is not free. AGM Nolan explained the water is Class 1 water and the current Class 1 rate is \$46.34. That is only the USBR costs, the District still has the District costs including equipment and staffing. AGM Nolan stated USBR has classified the uncontrolled season as Class 1 at the moment.

Director Loquaci stated this is Class 1 water that should have been declared months ago. GM Greci noted this is Class 1 supply. It is water that was advocated to be declared during the summer irrigation period by the contractors. GM Greci stated it is a chance for us to start putting water in the ground. There are more storms in the forecast.

GM Greci stated the Friant-Kern Canal is still out of service until the end of the month with construction of some of the turnouts. GM Greci noted there may be opportunities to transfer water into the District from other Friant contracts.

4. NEW BUSINESS

4a. Discussion / possible action on Crop Water Distribution Policy, Resolution No. 2023-02

MOTION: Director DaSilva / Director Loquaci to approve the Crop Water Distribution Policy as presented, Resolution No. 2023-02.

DISCUSSION / PUBLIC COMMENTS: Director Loquaci questioned how much water growers will be willing to take. Director Erickson stated once the basins are filled, the District will be limited. Director Janzen questioned how much the District is willing to pay for recharge. In a few years, we may be paying \$500 per acre foot for recharge. Director Janzen stated it is the cheapest water we may ever have for recharge.

Kevin Herman questioned if riparian water is included in the 40,000 acre foot Class 1 available. Mr. Herman stated the concerns related to moving the water are valid if the water is not available to Class 2 growers. President Erickson noted the 40,000 acre feet available is for all Friant contractors.

GM Greci clarified the 40,000 acre feet block is being divided amongst Friant Class 1 contractors on a pro-rated basis. MID is approximately 11% of that. The Class 1 water has no connection with riparian supplies. As far as Class 1/Class 2, those are different water types available to MID through MID's USBR contract, not original or subordinate water supplies. GM Greci stated we will be looking for every grower to take water that can.

Lak Brar questioned if the District has approached growers to request moving water to private basins/reservoirs. AGM Nolan stated we are discussing setting the crop water rates and if a grower would like to place water in their reservoirs it will go through a meter and be charged at a District water rate. Mr. Brar stated growers do not receive credit for recharge. AGM Nolan stated there really is not a crop demand at the moment. Growers that take the water are taking the water for recharge and for the localized benefit. It will be each landowners' decision.

The Board reviewed the Crop Water Distribution Policy. Staff proposed taking water orders immediately and beginning deliveries immediately depending on location. OMM Contreras stated it depends on location when water will be available.

AGM Nolan stated Original District Lands Water serves lands within MID. The Subordinate lands usually receive water when Original District lands do, but at a different rate. Director DaSilva stated he does not think the District should make money on this water. Director Loquaci stated the Board can always modify the Crop Water Distribution Policy as conditions change.

Director Loquaci suggested \$50 per acre foot for Original District Lands water. GM Greci stated we may be in flood operations soon. GM Greci stated the water should be as low as possible to encourage landowners to take it. There should be a cost involved to ensure orderly deliveries. Director Janzen suggested \$1.00 per acre foot. Director Janzen stated growers won't take the water at \$50.00 per acre foot.

Director Davis stated if a grower is taking water, it is for the benefit of the community and not the individual grower. Director Davis stated if the District can take the burden off of the growers that are taking the water, it should. The grower should not take on the entire burden of the cost. President Erickson stated the District still has budgets and costs that it has to cover. The District will either have to pull from the reserves or increase the rates during the irrigation period. AGM Nolan stated the District has healthy reserves and is financially sound. The District can subsidize these costs if the Board chooses.

AGM Nolan recommended the Board set a rate because it allows the system to be run in an organized fashion. She suggested more than \$1.00 because it will cost more to process the invoices. If the water is free, it becomes a free-for-all that is difficult for the operations staff to manage.

Mr. Brar stated he doubts any growers will take the water even if it was free. GM Greci stated he just received word that the Madera Canal will be going into flood operations today or tomorrow.

AGM Nolan stated staff's recommendation is \$10.00 per acre foot for Original District Lands. The Board agreed with the recommendation. AGM Nolan stated she understands the growers are having to pay for this water and not getting an individual benefit. AGM Nolan stated that is what is going to keep the District in balance and that will prevent pumping restrictions in the future for MID growers. If we do not want groundwater regulations and pumping restrictions in the future, when the water is available growers should take it for the benefit of everyone.

AGM Nolan stated Subordinate Lands are lands within MID that are categorized differently. Typically, the subordinate rates are set at 2 times the original district rate. Director Janzen suggested the subordinate rate be set at \$10.00 per acre foot. AGM Nolan stated Operational Management Water is water that would spill at the end of the system. These are not District lands and do not pay assessments or other District costs. The recommendation from staff is to set the rate higher than the USBR costs. If not, the District would be subsidizing these costs. The Board set the rate at \$60.00 per acre foot.

The Board set the construction water rate at \$300 per day. It is not anticipated there will be any construction water requested.

AGM Nolan stated there was a lot of discussion at the end of last water season regarding the water payments. AGM Nolan stated in the past payments must be received by the District on the last business day of the month at 4:00 p.m. The payment due dates are included on the Crop Water Distribution Policy. What would the Board like to do about the billing dates?

Controller Furstenburg recommended the due dates are set for the last business day of the month by 4:00 p.m. She noted she will process bills each month and the District will not send out combined bills. Director Loquaci stated it will ease some of the confusion.

GM Greci suggested "as available" be included next to each water rate because of all the unknowns. The District Conveyance for Lands within the District was set at \$70.00 per acre foot

+ 15% losses and District Conveyance for Lands outside the District was set at \$180.00 per acre foot + 15% losses.

Director DaSilva stated he regrets the Board cannot give the water away for free. There are costs associated with the water. AGM Nolan stated a press release will be sent out regarding this. The District will require a new crop water application, which can be done in-person or via email.

VOTE: ROLL CALL

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

NOES:

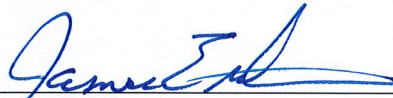
ABSTAIN:

ABSENT:

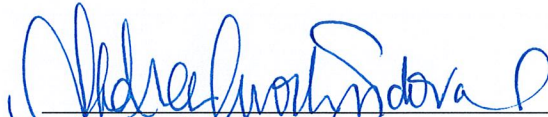
5. ADJOURNMENT

President Erickson adjourned the meeting at 2:00 p.m.

APPROVED FOR THE BOARD:



James Erickson
President



Andrea Kwock Sandoval
Secretary to the Board

Date: 2/21/23



**JANUARY 4, 2023
RESOLUTION NO. 2023-01**

**RESOLUTION OF THE BOARD OF DIRECTORS,
MADERA IRRIGATION DISTRICT
PROCLAIMING A LOCAL EMERGENCY, RE-RATIFYING THE PROCLAMATION OF A
STATE OF EMERGENCY BY THE GOVERNOR'S PROCLAMATION DATED MARCH 4,
2020, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE
LEGISLATIVE BODIES OF MADERA IRRIGATION DISTRICT FOR THE PERIOD OF 30
DAYS PURSUANT TO BROWN ACT PROVISIONS**

RESOLVED by the Board of Directors ("Directors") of the Madera Irrigation District ("District"), at a special meeting duly called and held on January 4, 2023 at the business office of the District, 12152 Road 28 1/4, Madera, California 93637 as follows:

WHEREAS, the District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of Madera Irrigation District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, such conditions now exist in the District, specifically, the Governor's Proclamation of a State of Emergency Dated March 4, 2020; and

WHEREAS, the COVID-19 pandemic remains a significant challenge in California and according to the Department of Public Health; and

WHEREAS, in accordance with current State of California guidelines and the District's duty to provide and maintain a workplace that is free of known hazards; and

WHEREAS, the Board of Directors previously adopted a Resolution No. 2021-19 on September 21, 2021, Resolution No. 2021-21 on October 19, 2021, Resolution No. 2021-26 on November 17, 2021, Resolution No. 2021-27 on November 17, 2021, Resolution No. 2021-29 on December 15, 2021, Resolution No. 2021-35 on December 22, 2021, Resolution No. 2022-01 on February 15, 2022, Resolution

No. 2022-05 on March 10, 2022, Resolution No. 2022-07 on April 19, 2022, Resolution No. 2022-10 on June 14, 2022, Resolution No. 2015-15 on August 16, 2022, Resolution No. 2022-16 on September 20, 2022, Resolution No. 2022-19 on October 18, 2022, and Resolution No. 2022-22 on December 15, 2022. finding that the requisite conditions exist for the legislative bodies of Madera Irrigation District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District, and the Board of Directors has done so; and

WHEREAS, as a consequence of the local emergency, the Board of Directors does hereby find that the legislative bodies of the District shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors approves:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the District, and in accordance with current State of California guidelines and the District's duty to provide and maintain a workplace that is free of known hazards.

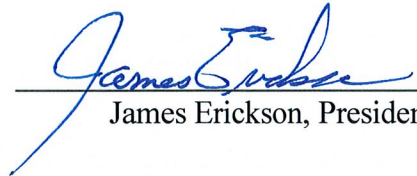
Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The General Manager and legislative bodies of Madera Irrigation District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) February 3, 2023 or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of Madera Irrigation District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of Directors of the Madera Irrigation District, at a special meeting of the Board held on the 4th of January 2023 by the following vote:

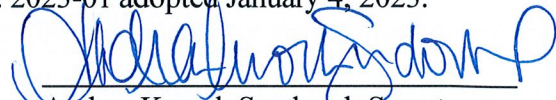
AYES: Directors Loquaci, Janzen, Davis, DaSilva, and Erickson
NOES: None
ABSENT: None
ABSTAIN: None


James Erickson, President

ATTEST: 
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. 2023-01 adopted January 4, 2023.


Andrea Kwock Sandoval, Secretary



JANUARY 4, 2023
RESOLUTION NO. 2023-02

**RESOLUTION OF THE BOARD OF DIRECTORS,
MADERA IRRIGATION DISTRICT
APPROVING THE 2023 CROP WATER DISTRIBUTION POLICY**

RESOLVED by the Board of Directors of the Madera Irrigation District (“District”), at a special meeting duly called and held on January 4, 2023 at the business office of the District, 12152 Road 28 1/4, Madera, California 93637 as follows:

WHEREAS, the District has determined that the District may have sufficient water supplies to deliver surface water during the 2022 water year; and

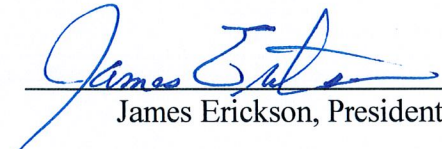
WHEREAS, to accommodate the delivery of water supplies this year, and to promote the orderly delivery of water, District staff has recommended a proposed 2023 Crop Water Distribution Policy, a copy of which is attached hereto as Exhibit “A”; and

WHEREAS, the Board of Directors of the Madera Irrigation District reviewed and considered the proposed Crop Water Distribution Policy at its board meeting on January 4, 2023 and has determined that adoption of the 2023 Crop Water Distribution Policy is in the best interest of the District.


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 approves the 2023 Crop Water Distribution.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of Directors of the Madera Irrigation District, at a special meeting of the Board held on the 4th day of January 2023 by the following vote:

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



James Erickson, President

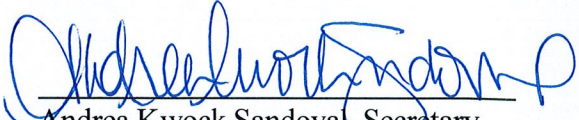
ATTEST: 

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. 2023-02 adopted January 4, 2023.




Andrea Kwock Sandoval, Secretary