

FINAL MINUTES
BOARD OF DIRECTORS REGULAR MONTHLY MEETING
JUNE 9, 2022

Anderson-Cottonwood Irrigation District

Brenda Haynes, President 2810 Silver Street, Anderson, CA 96007
Audie Butcher, Vice President (530) 365-7329 Fax (530) 365-7623
John Currey, General Manager www.andersoncottonwoodirrigationdistrict.org

Tiger Michiels, Director
Ray Eliante, Director
Rick Williams, Director

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President Haynes called the meeting to order at 1:00 p.m.

CLOSED SESSION ANNOUNCEMENT

President Haynes announced that the Board of Directors would recess to a Closed Session to take the following actions:

**C.S.1. PUBLIC EMPLOYEE EMPLOYMENT AND/OR PERFORMANCE
EVALUATION**

(Government Code Section §54957)

Title: General Manager and Assistance General Manager Evaluations

The Board of Directors adjourned from Closed Session at 1:50 p.m.

President Haynes called the meeting to order at 2:02 p.m.

1. CALL TO ORDER

Directors present: Michiels, Haynes, Eliante, Butcher, Williams
Directors absent: None
Staff present: Currey, Westlake, Loffmark, Dustin Cooper
Staff present via phone: None

REPORT OF CLOSED SESSION ACTIONS

President Haynes reported that the Board of Directors met in Closed Session regarding public employee employment and/or performance evaluations. It was moved and voted unanimously 5-0 to accept the resignation from Emmy Westlake effective June 30, 2022. It was moved and voted unanimously 5-0 to accept the resignation from John Currey effective June 30, 2022. There was no other reportable action.

2. PRESENTATIONS

2.1 Overview of Voluntary Agreement (VA) and the Memorandum of Understanding – David Guy and/or Lewis Bier

It was agreed to table the conversation until the July Board Meeting.

2.2 Review of ongoing litigation – Dustin Cooper

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Legal Counsel discussed some ongoing litigation as well as answering questions from the public:

1. Will not taking water this year make it difficult in taking water next year? Yes, as there is a possibility it could set precedence.
2. Does the Bureau of Reclamation breach of contract make it null and void? No
- 3(a). Is the \$60 million set aside for those in the contract enough? No, it is not enough
- 3(b). Is anyone trying to increase the amount? Yes
4. We thought the pre-1914 water rights were bullet proof. There are limitations on all water rights – 1) subject to curtailment; 2) Article 10.2 of the California Constitution states regardless of water right, is the water put to beneficial use; and 3) requirement of public trust
5. Who represents ACID's interest and will keep it from happening again? Minasian Law Firm
6. Last year we had less rainfall and received 75% allocation but this year only received 18%. Even though there were substantial storms in October and December, they missed the Shasta watershed. That, combined with dry conditions and single species management of the State (fish), was just some of the factors in giving the Sacramento River Settlement Contractors 18%.

3. DISCUSSION ITEMS – NONE

4. PUBLIC PARTICIPATION

Laurie Shaw introduced Bruce Ross from Brian Dahle's office. Asked legal counsel if representing the customers would be a conflict of interest as he is ACID's legal counsel.

Bill Gregory sees a big bank roll but no water and stated the public should not blame the manager but should blame the Board and reminded everyone that ACID was put together by the Shasta County Board of Supervisors for the purpose of providing water to customers not selling it. Asked how ACID was able to sell base supply water and has seen 1/3 of the water go away in the last 20 years.

John Ross would like to see monies invested into fixing the area around Churn Creek Pumps which would allow it to go deeper into the river to receive the water.

Jennifer Brackett was concerned about the percentage of water that was told to Representative Doug LaMalfa and why isn't ACID laying off staff if there is no water.

Jennifer Meda asked questions in regards to the contract on how was the quantity of water reduced from 75% to 18% when the contract reads it will not be reduced no more than 25% and asked about mediating the issue and having 60 days due to an impasse.

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Lacy Parsons spoke as a 4th generation rancher, how no water is devastating to everyone including the environment with wells are drying up. Asked where do we stand up and say no and how we can unite and fight.

Ben Duncan stated it is better to beg for forgiveness then ask for permission.

Jennifer Doolittle stated her future generations won't survive this, please help.

Woody Clendendon wants our water rights and stated next year customers will be putting the dam in with or without ACID.

James Boyd suggested having a diversion dam set up in the canal for future emergencies and not allow it to free flow back into Cottonwood Creek.

Dan Ward stated the lack of water is due to missteps taken by the Board, the State, and the Feds. What is the plan for the money? Is there a plan to compensate customers with it? Don't allow that money to trickle away like our water.

Ben Duncan asked how we can be declared a State of Emergency or who can pursue it.

Lacy Parsons questioned if the other Districts in the Sacramento River Settlement Contractors banded together, could they sue the Bureau of Reclamation.

President Haynes announced a break. The meeting was adjourned to a short recess at 3:27 p.m.

President Haynes called the meeting to order at 3:45 p.m.

5. CONSENT AGENDA

- 5.1** Minutes – Approved the Minutes of the regular meeting May 12, 2022.
- 5.2** Financial Status report for Year-to-Date Through May 2022.
- 5.3** Payroll: Approved Payroll Check Register for the Month of May 2022.
- 5.4** EFTPS & ACH Transactions – Approved EFTPS & ACH transactions for the Payroll Periods Ending April 30, 2022 and May 15, 2022.
- 5.5** Voided and/or missing checks for May 2022.

Director Eliante moved to approve the Consent Agenda; Vice President Butcher made the second with a 5-0 vote.

END OF CONSENT AGENDA

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6. ACTION ITEMS

- 6.1** Consider approval of the Final Cash Disbursements Journal for May 1, 2022 to May 31, 2022.

Vice President Butcher moved to approve the Cash Disbursements Journal; Director Michiels made the second with a 5-0 vote.

- 6.2** Consider Adopting Resolution 2022-06 Authorizing Staff to Request from the Bureau of Reclamation to Transfer ACID Water within the City of Redding from Pumping Plant #1 to the Buckeye Pumping Plant.

GM Currey gave a staff report and answered questions from the Board.

Director Michiels moved to approve Resolution 2022-06 authorizing the transfer of ACID water within the City of Redding from Pumping Plant #1 to the Buckeye Pumping Plant; Director Williams made the second with a 5-0 vote.

- 6.3** Receive Staff Report and Consider Adopting Resolution 2022-07 Ordering Board Directors Election; Consolidation of Elections; and Specifications of the Election Order.

GM Currey gave a staff report and answered questions from the Board.

Director Eliante moved to approve Resolution 2022-07 ordering Board of Directors elections; consolidation of elections; and specifications of the election order; Vice President Butcher made the second with a 5-0 vote.

- 6.4** Receive Staff Report and Provide Direction to Staff Regarding California Department of Fish and Wildlife (CDFW) and US Fish and Wildlife Service (FWS) Conceptual Fish Trap.

GM Currey gave a staff report and answered questions from the Board.

No action was taken on this item.

- 6.5** Receive Staff Report and Provide Direction to Staff Regarding the Voluntary Agreements Memorandum of Understanding.

It was agreed to table the conversation until the July Board Meeting.

- 6.6** Consider Approval to Authorize General Manager to add Brenda Haynes and Ray Eliante to the Authorized Signatory to the Banking and Adopt Resolution 2022-08 updating the Local Agency Investment Fund Authorization to Transfer Monies.

GM Currey gave a staff report and answered questions from the Board.

Director Williams moved to approve adding Brenda Haynes and Ray Eliante to the authorized signatory to the banking, moved to remove John Currey and Emmy Westlake

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from the authorized signatory to the banking, and moved to approve Resolution 2022-08 updating the Local Agency Investment Fund authorization to transfer monies; Director Michiels made the second with a 5-0 vote.

GM Currey stated a special meeting would need to take place to approve the minutes from today's meeting to complete the authorized signatory to the banking. It was decided a special meeting to be held Monday, June 13th at 10:00 a.m. at the ACID Office.

7. GENERAL MANAGER'S REPORT

GM Currey gave an overview of the General Manager's Report and answered questions from the Board.

8. DIRECTORS REPORTS

- President Haynes – None.
- Vice President Butcher – None.
- Director Eliante asked if a replacement screw gate had been ordered for the Cottonwood Creek spill.
- Director Michiels – None.
- Director Williams stated he would be meeting with James Boyd regarding the issues he has been having in getting the water situation fixed on his property.

President Haynes announced the closed session. The meeting was adjourned to a short recess at 4:13 p.m.

CLOSED SESSION ANNOUNCEMENT

President Haynes announced that the Board of Directors would recess to a Closed Session to take the following actions:

C.S.2. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. (Paragraph (1) of Subdivision (d) of Government Code Section §54956.9)

Name of Cases:

- I. PCFFA v. Raimondo (USDC E.D. Cal. Case No. 1:20-cv-00431-DAD-EPG);
- II. CNRA v. Raimondo (USDC E.D. Cal. Case No. 1:20-cv-00426-DAD-EPG) [2019 BiOps Lawsuits]

C.S.3. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant Exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Government Code section 54956.9. One Case.

C.S.4 CONFERENCE WITH LABOR NEGOTIATOR

(GOVERNMENT CODE §54957.6(a)) District Personnel Committee in Regard to Collective Bargaining Agreement with Teamsters Local #137. District's Labor Negotiator: Board President Brenda Haynes, Board Member Ray Eliante, General Manager John Currey, and Assistant General Manager Emmy Westlake

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**C.S.5 PUBLIC EMPLOYEE EMPLOYMENT AND/OR PERFORMANCE
EVALUATION**

(Government Code Section §54957)

Title: General Manager and Assistance General Manager Evaluations


The Board of Directors returned from Closed Session and reconvened in Open Session with Directors Haynes, Butcher, Michiels, and Eliante and General Manager John Currey and Assistant General Manager Emmy Westlake present at 5:58 p.m.

REPORT OF CLOSED SESSION ACTIONS

General Manager John Currey reported that the Board of Directors met in Closed Session to discuss anticipated litigation and potential purchase of real property. There was no other reportable action.

The Board of Directors adjourned at 6:00 p.m.

Respectfully Submitted.



John S. Currey, General Manager